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November 2001

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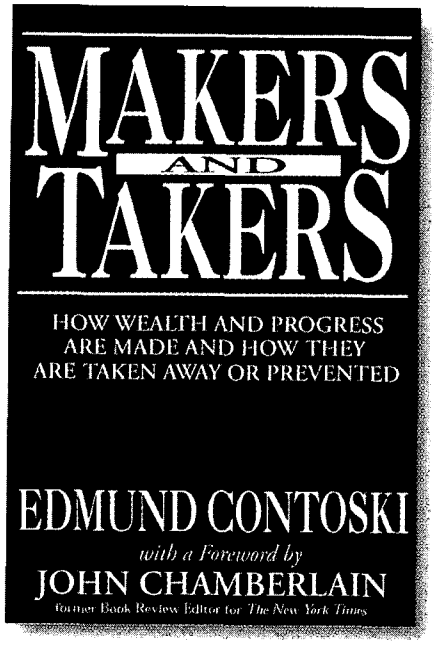
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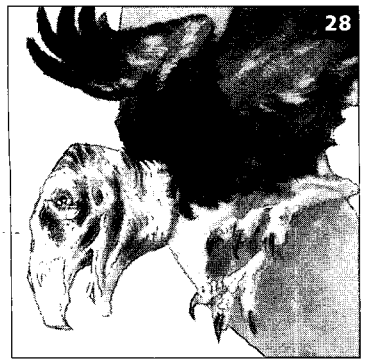

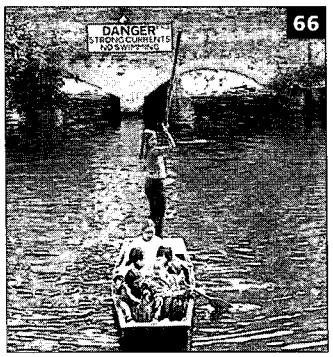


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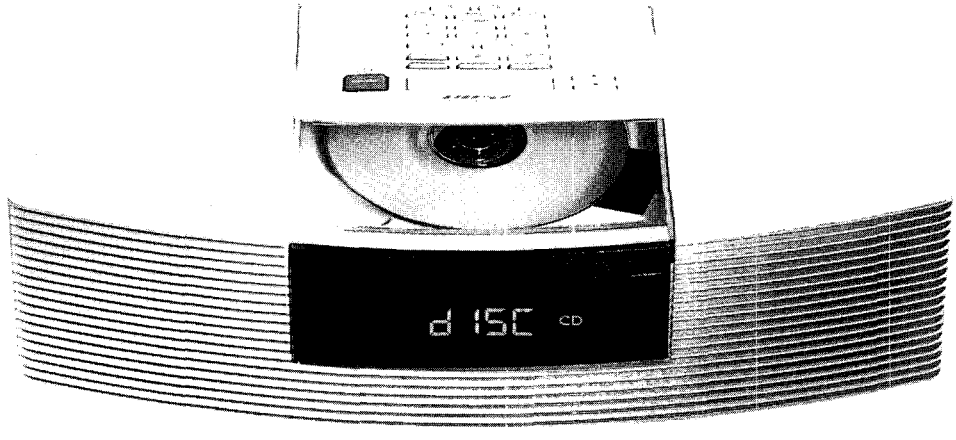


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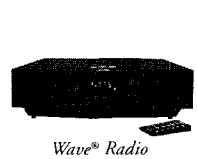

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## Editor's Note

As a former resident of Philadelphia and Buffalo, I've spent a fair amount of time in cities that have seen better days in terms of population and what might be called forward momentum. Over the past decade, Philadelphia lost about 4.3 percent of its residents, who now number around 1.5 million. It's still the fifth-largest city in the U.S. but will almost certainly drop a notch or two by the next Census. Buffalo is in even worse shape: It's the heart of one of only two major metropolitan areas that actually lost total population over the course of the '90s. Such places can have their charms—Philly and Buffalo certainly do—but they also take a psychic toll on the folks who live there. Cities, like people, get hardened and ossified after years or even decades of diminishing expectations.

I now live about 30 miles outside a third slumping city, Cincinnati, which lost about 10 percent of its population over the past decade. Why that happened—and why it exemplifies a national trend—is the subject of Sam Staley's "Ground Zero in Urban Decline." (See page 42.) Earlier this year, Cincinnati made the news for riots that erupted after the police killed an unarmed black man. Race relations are not good in the Queen City, but Cincinnati's problems aren't limited to racial tensions.

They include a political and corporate elite that is hell-bent on the same basic course of action that has helped to empty cities across the country. Rather than taking care of basic quality-of-life issues—keeping schools and streets in good shape, say—Cincinnati's leaders are pursuing high-end, publicly funded "edifice complex" projects such as stadiums and light-rail systems. Although such plans virtually never work, all is not bleak in Cincinnati (or elsewhere in urban America). Staley points to a flourishing entrepreneurial zone in a poor neighborhood where individuals are creating new and innovative businesses. The only question is whether the powers-that-be will help or hinder such efforts.

Speaking of innovation, let me direct your attention to the first "D.C. Dispatches" column written by our new Washington editor, Sam MacDonald, who joined the staff in May. He's already won an enthusiastic audience for his weekly columns on REASON Online, a feat I'm sure he'll duplicate with his magazine offerings. And, as noted on the next page, get ready for a brand new look for REASON with our next issue.

—Nick Gillespie

This issue of REASON was at the printer during the September 11 attacks on the World Trade Center and the Pentagon. We direct readers to a special section of our Web site, reason.com/terror.html, for our analysis of those horrific events.

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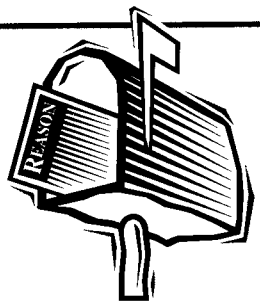
## Contributors

**Rhys Southan** wraps up his stint as REASON's Burton Gray Memorial Intern with a revelatory interview of provocative author and social critic Christopher Hitchens. (See "Free Radical" on page 36.) The starting point of the conversation was Hitchens' latest book, *Letters to a Young Contrarian: The Art of Mentoring*, but the wide-ranging conversation soon turned to topics such as Margaret Thatcher (on whom Hitchens is surprisingly sweet) and anti-globalization protesters (on whom he is characteristically tart). For his part, Southan, a senior majoring in film at the University of Texas at Austin, finds most group protest dubious. "It is an institutionalized, meaningless gesture," he says with the certitude of, well, a college senior. "It's more useful to convince people with your actions, or let them convince themselves." Yet Southan does see some value in counter-protest: In his most recent act of dissent, he shocked fellow demonstrators at an anti-Bush rally by protesting loudly that the president wasn't enough of a capitalist—a contrarian gesture that Hitchens might appreciate.

"We sometimes call it a suburb of Dayton," jokes **Sam Staley**, who offers a critical assessment of urban planning and riot-recovery efforts in Cincinnati. (See "Ground Zero in Urban Decline" on page 42.) A lifelong Ohio resident, Staley lives just outside of Dayton, which is an hour north of Cincy and a mere third of its size. Despite Cincinnati's many problems, the 40-year-old father of two remains a huge fan of the place. "The river makes it beautiful," he says, "and Cincinnati has a tremendous amount of character." Staley is director of the Urban Futures Program at the Reason Public Policy Institute, co-founder of the Columbus-based Buckeye Institute for Public Policy Solutions, and the author of three books on public policy.

"Teaching in the 1960s, I generally found my students wonderfully dear, politically off the wall, and ready to believe almost anything," recalls REASON Contributing Editor **Alan Charles Kors**. In reviewing *Put Your Bodies Upon the Wheel*, a befuddled but unintentionally instructive new book about that decade's student revolts, he finds that some scholars of the period are just as credulous. Kors notes that the era's heady spirit of self-discovery has produced a multitude of powerful, competing narratives—political, cultural, historical, and personal—that often rely more heavily on emotion than on factual analysis. (See "Sex, Drugs, Jews, and Rock 'n' Roll" on page 62.) A professor of European intellectual history at the University of Pennsylvania and editor-in-chief of the *Oxford Encyclopedia of the Enlightenment*, Kors is also director of the Foundation for Individual Rights in Education (www.thefire.org), a nonprofit devoted to securing free speech, due process, and academic freedom on college campuses.

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## Global Village or Pillage?

The July REASON contained several articles defending corporate capitalism in the emerging global world order. Not bad, but consider this: Since the fall of the Berlin Wall, capitalism has triumphed globally. Yet we are not living in a freer world, as you document so well. The U.S., via its wars on drugs and terrorism, is turning the world into a globalized police state. Clearly, global capitalism does not equal global liberty. People who have wealth and power will take any steps to safeguard their interests, including and especially initiating force against upstarts who might be foolish enough to believe in democracy or dissent.

REASON does not deal with the era's underlying economic issues: the breakdown of the Bretton Woods system, the internationalization of finance, the *maquilas*, the connections between American politicians and corporations, to name a few. Instead, we get some perfunctory support for free trade without any context, as if all that matters are slogans that sound vaguely in tune with laissez faire. The fact that free trade is enforced by death squads in Colombia and rubber bullets in the U.S. goes by the boards.

As for "the demonstrators," while frequently described as "misguided" or "confused," they have a fairly cogent message: Fight against concentrations of transnational power, fight against growing repression and the prison-industrial complex, and fight against the homogenization of politics, as represented by the de facto one party system in the U.S.

*Joseph Miranda*
*Northridge, CA*

## All the Rage

I thoroughly enjoyed Ronald Bailey's article on the neo-Luddite movement ("Rage Against the Machines," July). Among the many important points he raises is the notion that if we want to reduce inappropriate corporate power, we must eliminate the power of the government to dole out subsidies and protective tariffs. Many people fail to recognize this, imagining that government power acts as a balance to corporate power.

One small quibble regarding Bailey's discussion of the "precautionary principle": The critique doesn't go far enough. Bailey suggests that a scientist could not "prove that a biotech crop was completely safe without the field trials" that the principle would ban.

In fact, no crop—indeed, no technology—has ever been proven "completely safe," and none ever will be. The very notion of complete safety is a specious one. The hypothesis "*x* is completely safe" cannot be proven because it is a universal statement. Universals can only be disproven or, to use Karl Popper's word, *falsified.* Scientists endeavour to falsify their theories, but no amount of field testing will ever prove anything is completely safe.

*Bradley Doucet*
*Montreal, Quebec*
*Canada*

There are close similarities between neo-Luddites and the genocidal Khmer Rouge of Cambodia. The Khmer Rouge were deep ecologists par excellence. They asserted that the cities were dens of sin and corruption, while virtue resided in the countryside. They therefore depopulated the cities, forcing residents into the country at gunpoint.

They compelled these people to return to the land, and to live in remote agricultural villages where they grew organic food without recourse to pesticides or farm equipment. Technology and trade were outlawed. When the crops failed, people starved. The Khmer Rouge refused to relieve the hunger by importing food. Anyone who complained was shot. In this fashion, millions died.

The Khmer Rouge based their program on the doctrines of French intellectuals of the left, whose points of view closely resemble those of the neo-Luddites. Thus, in arguing against today's Luddites, it is worth noting that their program indeed was carried out in Cambodia. It brought the near-suicide of that nation.

*T. A. Heppenheimer*
*Fountain Valley, CA*

What a rotten article, Ron Bailey. Surely you're capable of better work. Your willful misrepresentations and "grizzled hippie" stereotyping, combined with your substitution of assertion for evidence, all manage to make the case that technophiles like yourself really aren't in the habit of critical thinking.

The neo-Luddites and others with radical critiques of technology deserve hard-hitting but thoughtful criticism, and the readers of REASON deserve better than what they got from you.

*Dave Gross*
*San Francisco, CA*

### REASON NEWS

Coming next month: REASON gets a facelift. With the December issue, we will debut our first complete graphic redesign in close to a decade. Get ready for a bold new look for the magazine of Free Minds & Free Markets.

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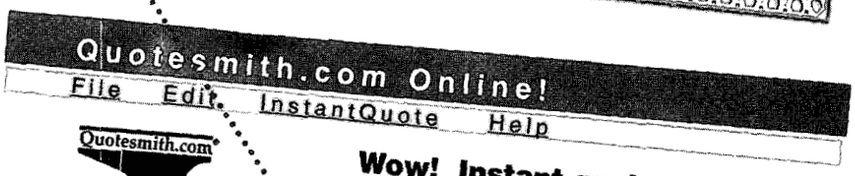


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## Enemies of Trade

I agree with Evan McElravy: The FTAA protesters in Quebec were misguided, as was the police-state response ("Enemies of Trade," July). But I find a few things in his article troubling. First, it is difficult to imagine that a responsible government would not have police in place and prepared for violence, given the earlier havoc in Seattle. Were I a property owner in Quebec, I would have been happy to have police there. That said, McElravy is right that police actions must be defined by the particular situation, not by past events.

What also troubles me is McElravy's statement, "The case for free trade has been made primarily by cretinous conservative politicians and pundits, who seldom resist ridiculing earnest youngsters looking for a better world." This is needlessly ad hominem and could easily be turned around: "The case has been made primarily by cretinous youngsters and socialists, who seldom resist ridiculing earnest conservative politicians looking for a better world." After all, it was not conservative politicians who advanced political discourse by wearing masks and walking the streets chanting "Fuck George W. Bush."

*Richard Manhard*
*Ashburn, VA*

I enjoyed Evan McElravy's eyewitness account of the Quebec protests from a nonleftist perspective. However, I feel compelled to point out one major flaw. Protesters against free trade are no less misinformed than free trade advocates. Among the few Ph.D.s in economics who have studied the issue for decades, there is no consensus. Granted, the majority of economists in the U.S. favor free trade, but that does not mean there isn't controversy. Moreover, it was not too long ago that Keynesian and Marxist economics held equal sway in the world's universities. Fifty or 100 years from now, some other school of economic thought will likely hold sway.

As we all should remind ourselves periodically, macroeconomics is as much art as science. It is much too complicated for one side in a debate to claim that the other side is completely ignorant of the facts.

*David Levy*
*Vienna, VA*

**Evan McElravy replies:** In response to Mr. Manhard, the week after the Quebec protest, I attended a Marxist-Leninist conference where one speaker, holding a photo of police beating protestors, intoned, "This is what their democracy looks like, this is the face of their system!" Though a malicious exaggeration from a fringe group, it augurs ominously for the future, as more and more people—particularly young people—seem to associate economic liberalization with political repression. In this climate, it doesn't seem too onerous to ask pro-trade voices to take the high road. Is it really useful to suggest that the officer who killed the protestor in Genoa should be feted on TV, as did a recent *Wall Street Journal* piece?

As for protecting property, it is a difficult balance. Worth noting, however, is that, in the exposed area outside the Quebec barricade, there was virtually no damage to private property.

As to Mr. Levy, economics may be the "dismal science," but REASON's position has always been that not only is the empirical evidence on the side of expanded trade but that, more importantly, there is no moral basis for interfering with the right of the world's people to engage each other as they please, including via trade.

I call "uninformed" the bulk of protestors whose sole source of information was interest group propaganda brochures—not a sufficient education on the issue.

## Campaign Finance

Michael Lynch's interview with Federal Elections Commissioner Bradley Smith was thought-provoking ("Professor Smith Goes to Washington," July). Unfortunately, Smith is a poor man's Captain Ahab, obsessed with two giant red herrings in the election reform debate: incumbents and advertising.

Congressional turnover rates are ridiculously low. But the identity of representatives hardly matters, compared to their politics. As long as soft money is unlimited, incumbents who anger the rich and powerful can be replaced with toadies. Incumbency is a result of this problem, not its cause. The deeper problem is private control of the election process, which determines who runs in the first place, and who wins almost every time.

Smith also harbors a naive faith that advertising can compare to news, pamphlets, or public debates as a source of reliable information. Advertising reaches more people, but its claims are dubious, its arguments usually specious, and its packaging paramount. Smith ignores the perverse incentives created by advertising dollars. News coverage costs the networks money, but advertising makes them money. So TV news coverage of political campaigns drops precipitously, while advertising sales increase to compensate. This fattens the media companies, closes the system (most people can't afford TV ads), and trivializes mainstream political debate.

McCain-Feingold does curtail some freedoms. This is not illegitimate, because it thereby creates others with broader scope. Smith should weigh competing freedoms, not ignore half the competitors.

*Avery Kolers*
*Louisville, KY*

At no time have I ever said, "Hey, if McCain-Feingold screws up elections even more, great. It'll convince people we need to have public financing," the quote attributed to me in Michael Lynch's interview. The fraudulent quotation, paraphrased from an out-of-context quote that appeared in a story on *National Review Online*, suggests that I am cynically supporting McCain-Feingold because I believe it will make our campaign finance system even worse than it is now, leaving nothing but public financing as a reasonable solution. Even the original quote says nothing of the sort.

I do believe that a public financing program for federal elections would best serve our fundamental democratic values. But I also believe that the provisions in the McCain-Feingold bill eliminating soft money and regulating sham issue ads will represent huge improvements in the current campaign finance system. I don't believe there is any credible evidence that the bill will hobble the political parties or leave candidates powerless to respond to interest groups, and I would not support the bill if I did.

*Deborah Goldberg*
*Brennan Center for Justice*
*New York University School of Law*

**Michael W. Lynch replies:** My apologies to Ms. Goldberg, who feels Mr. Smith's interpretation of her quote was unfair. The interview does make it clear that Mr. Smith was paraphrasing her original quote. His comment read, "she essentially told *National Review Online*...." For the record, here's what she actually said: "If candidates are concerned about spending by independent groups, it might make them think more seriously about public financing."

## Sentenced to Death

I very much enjoyed Cathy Young's "McVeigh to MacBeth" (July). I am dismayed by rightists who argue for capital punishment, particularly when they're in the "Government as an Instrument for Moral Good" school of thought. The argument that "moral rectitude demands collective action" has been at the core of almost all of the abuses of government power recorded throughout history.

How do death penalty activists rationally justify entitling the collective self to do what we would never permit individuals to do? Except in the very narrow cases of self-defense or defending our borders, we as citizens are forbidden to take up force of any kind against each other, no matter how just our cause. Why is it that if we get together and call it a "legal system," this behavior suddenly is legitimate? It's nothing more than mob rule.

*Tim Daneliuk*
*tundra@tundraware.com*

Cathy Young properly takes Paul Cassel to task for his insistence that the exoneration of innocents on death row proved that "the system worked." The resources currently devoted to investigating and exposing cases of innocent people on death rows around the country are extremely limited, so it's rare that anyone tries to prove the innocence of people who have already been executed—such an investigation won't directly save lives. But investigations of the executed might give us one thing: the grisly footnote to prove to death penalty apologists how well the system might *not* have worked in the past.

*Dan Karlan*
*Waldwick, NJ*

Cathy Young's article missed the point completely. Revenge is in no way a moral action. The only moral justification for capital punishment—or any killing of a human being, for that matter—is self-defense. And when someone is so dangerous that he will likely be a deadly threat to others in the future, then death may be the moral solution.

*Dan Jones*
*Chickamauga, GA*

## Unconstitutional Copyright

I am surprised that Nick Gillespie disregards property rights to suggest that "certain characters and texts have entered the public domain in fact, if not in law" ("Tomorrow Is Another Day in Court," July).

We know when and by whom *Gone With the Wind* was created. Immense popularity and durability does not imply that a work has "entered the public domain in fact, if not in law." If it did, then the entire publishing, recording, and filmmaking industries would not exist. There would be no reason for authors, composers, filmmakers, and the like to create. Absent a method of controlling distribution and earning a livelihood, only amateurs would do this work for their own pleasure.

Capitalist democracies lack the patronage system of aristocratic Europe in the prior two millennia. Instead, the market supports those who produce works of intellectual and artistic value. If artists don't have the constitutional guarantee that their property can, like a house, be freely sold or licensed and passed from one generation to another, they will not be able to afford to create works of art.

As a composer, I take great solace in the fact that my property rights are protected by the law. Please contemplate this issue before defending a self-styled "parodist" who appears to be a plagiarist by any reasonable measure. We are all diminished when property rights are diluted, "re-imaginings" of bygone eras aside. Let Alice Randall create her own "characters and texts" about the slavery and reconstruction eras, if she wants to "explode myths." Or let her wait until 2036.

*Jeffrey Hoffman*
*New York, NY*

In discussing *The Wind Done Gone*, Nick Gillespie should ask more aggressively what right, under the Constitution, does a court have to block a derivative work 63 years after the original was published?

The correct answer should be, "None!" The copyright exception to the First Amendment (Article I, Section 8, clause 8) is only for a "limited" period and only to the extent that it "promotes" the arts. Congress acted unconstitutionally when it removed a limited term from copyright (56 years), replacing it with the indefinite life-plus-50-years (extended just recently to life-plus-70-years). There is no reason whatsoever to believe this extension promotes the arts; a potential artist who does not feel sufficiently motivated by the prospect of 56 years of royalties is not going to be lured by an even more conjectural payoff 50 years after his death. Instead, this unreasonable extension of copyright suppresses the arts, by forcing books like Ms. Randall's into expensive court battles.

*Hugo S. Cunningham*
*Boston, MA*

**Nick Gillespie replies:** As Hugo Cunningham points out, intellectual property rights, unlike other property rights, involve arbitrarily set time limits designed to give creators and inventors an incentive to produce work. So Jeffrey Hoffman is wrong to assert that intellectual property can, "like a house," be passed on indefinitely. I also think he is mistaken that, absent copyright in its current form, artistic production would stop. In any case, as most readers know, a higher court allowed Alice Randall's *The Wind Done Gone* to be sold in bookstores, to no apparent injury to Margaret Mitchell's literary estate.

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## Citings

### The Civil Internet

By Charles Paul Freund

The real problem with the Internet, at least according to some people, is that it's not enough like...public television. To change that, Lawrence K. Grossman, who used to run PBS, and Newton Minow, a former Federal Communications Commission chief, have joined forces with an organization called the Digital Promise Project (DigitalPromise.org).

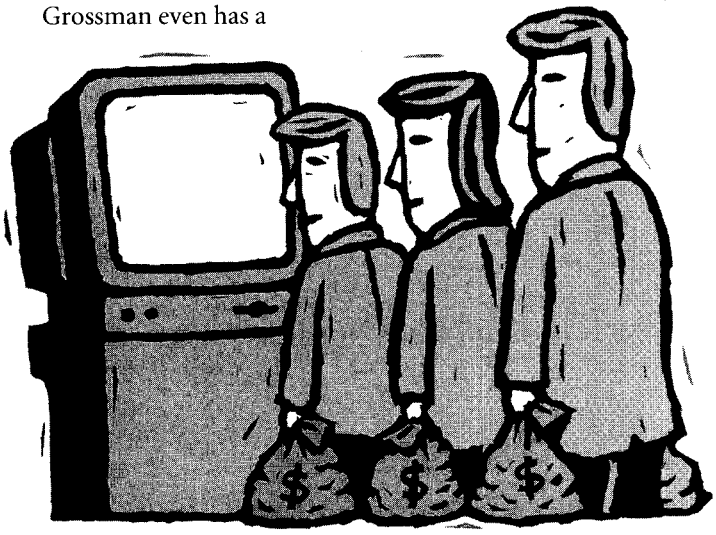
They'd like to create a Digital Opportunity Investment Trust, a.k.a DO IT. Such a trust would disburse $18 billion in public funds—skimmed from auctions of the publicly owned electromagnetic spectrum—to support worthy civic uses of the Internet.

As things stand now, Grossman and Minow suggest, digital technologies, including the billions of existing Internet pages, represent a real disappointment. According to *The Wall Street Journal*, Grossman believes that "the potential exists to use these technologies in ways we can't imagine now."

Grossman even has a preliminary vision of what would be waiting in a worthwhile, publicly funded cyberspace. "You could have a virtual solar system, a 3-D model of a human body or a re-creation of Mark Twain's America," he says.

But if Grossman is going to spend public money, he'd better not evoke such Mark Twain classics as "The Damned Human Race," or his series of letters from Satan to the archangels, or anything Twain wrote about the Bible. That might infuriate moral conservatives. And Grossman had better forget about *The Adventures of Huckleberry Finn*, too, if he wants to keep the P.C. left off his neck.

In fact, we *can* imagine the uses of digital technologies according to the Grossman-Minow vision. The nation already has a well-established model for publicly underwritten culture. It is not more daring, adventurous, or creative than the marketplace variety. Instead, bureaucrats spend public money to support cultural projects that are safe and don't offend anybody. That is certainly the model to which PBS itself adheres. It long ago dropped free-form experimental programs in favor of a middlebrow schedule that resembles the old networks circa 1960, when Newton Minow himself dismissed television as a "vast wasteland."



## Balance Sheet

**By Jeff A. Taylor**

ASSETS

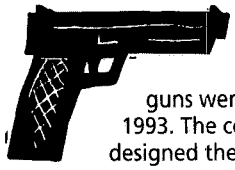
△

**▲ Truth Serum.** Candor catches up with Minority Leader Dick Gephardt (D-Mo.) in Iowa, where he implies a Democrat-controlled House would raise taxes to keep the federal budget balanced. Gephardt quickly denies his own remarks, saying he wasn't talking about the future.

△

**Code Green.** The Census Bureau says that three states without income taxes saw the largest gains in tax revenue between 1990 and 2000. Revenues in New Hampshire and Alaska each rose by over 50 percent, while Wyoming's receipts grew by 19 percent.

△



**Round Won.** The California Supreme Court rules that a Miami-based gun maker cannot not be sued because its guns were used in a San Francisco killing spree in 1993. The court rejected the claim that Navegar designed the weapon primarily to kill people.

△

**Clone School.** Duke University scientists find that human organs may be easier to clone than those of other animals because a cancer-suppressing gene could prevent fatal mutations. Primates have a more stable cancer-proof gene than do sheep, cows, pigs, or mice.

△

**Toy Story.** The First Amendment protects "Food Chain Barbie" images, rules U.S. District Judge Ronald Lewis. Mattel had sued a photographer for snapping shots of Barbie wrapped in tortillas. Lewis found that the pictures were protected parody.

△

**Hard Lessons.** Juvenile crime rates have held steady since the 1970s, the Center on Juvenile and Criminal Justice finds. The Justice Policy Institute reports that 15 percent of high school seniors faced a weapon or assault in school in 1998, unchanged from 1976. "Zero tolerance" policies look even sillier.

△

### Floating Debris

By Rhys Southan

The International Space Station Alpha was never going to be cheap, but mismanagement at the National Aeronautics and Space Administration has assured that it might never be useful either.

A June report by *Florida Today* exposes how NASA piled up more than $4.8 billion in cost overruns on a space station that was, when first proposed in 1984, only supposed to cost $8 billion. Some of the reasons for NASA's excess spending include ordering parts from their contractor before negotiating prices, a problematic partnership with economically unstable Russia, building delays, and researching station parts that will never be built.

The desire for gravity-free scientific research fueled the original drive for the space station. But to absorb its overspending, NASA has

**▼ Net Press.** Record and movie companies succeed in pressuring Internet Service Providers to police users. ISPs, fearing copyright infringement charges, obey lawyer-drafted "requests" that they cancel the accounts of people using Gnutella or iMesh file-trading software.

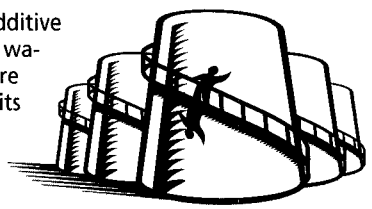
**Phone Homeless.** The Wisconsin state budget proposes spending $40,000 to give the homeless free voice mail. A fat universal service fund, swollen to $7 million with fees levied on phone users, would supply the cash.

**Red Line.** California's state-run power buys put taxpayers in the red. The state could lose as much as $500 million by selling power for as little as one-fifth the price bureaucrats paid for it during energy-crunch hysteria.

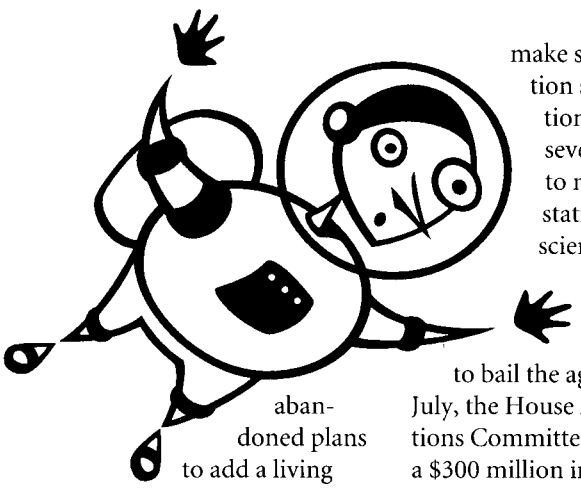
**Side Out.** The Wisconsin Interscholastic Athletic Association bans cheering by players on the bench. Chants like "One, two, three, ace!" now count as taunting and will result in a team penalty.

**Escort Service.** Authorities in Michigan confiscate a 10-year-old girl's 1992 Ford Escort after her stepfather is arrested in the car during a prostitution sting. The girl inherited the car from her cancer-stricken father three years ago, but can't have it back unless she pays $900.

**Gas Tanks.** The gasoline additive MTBE has spread to ground water far from the places where government regs mandate its use. The cancer-causing compound spreads via tanker trucks, storage facilities, and pipes, a Purdue University study finds. MTBE will be phased out by 2003.



LIABILITIES



abandoned plans to add a living module and an escape ship. Those are the devices necessary to increase the station's human carrying capacity from three (enough only to make sure the station stays operational) to six or seven (enough to maintain the station and do scientific research). Congress is unwilling to bail the agency out. In July, the House Appropriations Committee approved a $300 million increase—modest, by NASA standards—in the space station's budget, contingent on the space agency enacting certain reforms. The Senate Appropriations Committee, less optimistic, voted to decrease the space station budget by $150 million.

Unless project partners Japan, Russia, and the European Union decide to spend their own public money to meet the U.S.'s unfulfilled promises, the only function of the space station, besides a minimal amount of robot-performed research, will be to float around. Though that might still seem kind of neat to hard-core space buffs, it doesn't seem worth the cost: $17.9 billion to date, $29.1 billion by 2006, and an estimated $94 billion overall.

The Alpha money pit has resulted in other casualties, such as a brand new $120 million spacecraft that Al Gore conceived after consulting elementary school students. Spacecraft Triana was to relay a constant image of Earth to Web surfers. Instead, it will have an equally purposeful existence sitting in storage, at a cost of more than $1 million per year.

## Classified

By Sara Rimensnyder

Does Secretary of State Colin Powell have something to hide?

Don't expect to find out anytime soon. The Bush administration has halted the release of 68,000 pages of documents from the Reagan White House, whose staff included Powell and several other current Bush hands. The papers were due to be delivered into the hands of eager historians in January, but White House Counsel Alberto Gonzalez has now twice invoked an executive order to allow the administration to review the papers. The current extension is ▶

SOURCE

The July 16 arrest of Russian hacker Dmitri Sklyarov outraged opponents of the Digital Millennium Copyright Act, the law that punishes not only thieves but people who circumvent copy protection schemes for any reason—research, innovation, or simple curiosity. Sklyarov violated the DMCA when he cracked the encryption code for Adobe's much-vaunted "e-book."

Before he could digest his first prison breakfast, **the online movement to "Free Dmitri!"** was already developing. **BoycottAdobe.com** functions as an unofficial central command. Other sites include: **FreeSklyarov.org**, which catalogues the latest news; **Anti-DMCA.org**, which has an informative "frequently asked questions" page; **EFF.org/Intellectual_property/DMCA/**, the Electronic Freedom Foundation's archive on the subject; and finally, **www.NoDMCA.org**, which manages an e-mail discussion list on Sklyarov.

QUOTE

**"It's a cat-and-mouse game. The minute you leave, everybody lights up again."**
—Los Angeles Fire Department Inspector Gabriel Orona, commenting on his attempts to enforce California's ban on smoking in bars and other indoor workplaces, in the July 11 *Los Angeles Times*

## BRICKBATS

**● Parenting a child is expensive. Sometimes, so is parenting an adult. In California, a Ventura County superior court judge has ordered James and Bertha Culp to support indefinitely their 50-year-old son to the tune of $3,500 per month. The son, David, is a Stanford graduate who practiced law for 19 years, earning up to $10,000 a month. Now he says he suffers from bipolar disorder and can't work. Judge Melinda Johnson invoked the state's family code: "The father and mother have an equal responsibility to maintain, to the extent of their ability, a child of whatever age who is incapacitated from earning a living."**

**◆ An Irish politician concerned about a rise in assaults by knife-wielding thugs has found a solution: knife control. "Irish gun controls are amongst the best in the world," says Batt O'Keefe, chairman of the national Health and Children Committee. But "there is an alarming disparity of control for weapons such as knives and swords." O'Keefe proposes that the government set up a national registry of all knives capable of hurting someone.**

**◆ In Great Britain in 1997, the Labor government enacted gun controls so sweeping that Olympic shooting competitors must go out of the country to train. The impact of the stricter laws, which virtually ban handguns, is now becoming apparent. One study shows gun crimes have risen 40 percent.**

# CLASSIFIED

due to expire August 31.

The papers would have been the first released under the Presidential Records Act of 1978. The act, passed in the wake of Watergate, makes presidential papers public property. But a law intended to make government more open can't last long in Washington. As Reagan left office, he issued the executive order now being exercised by the present administration, giving himself and future presidents an essentially unlimited period to review records before their release, so they could invoke executive privilege to keep anything unpalatable locked away.

## Going after Grandma's House

By Michael W. Lynch

In New London, Connecticut, the government is currently in court defending its inalienable right to evict 83-year-old Wilhelmina Dery from a property that's been in her family for more than 100 years.

The city's historic Fort Trumbull area, where Dery lives, became a target for development in 1998, when Viagra-maker Pfizer decided to build a $270 million research facility next door. The problem, say planners, is that they need to increase the "radii" of the road that surrounds Dery's property so that a private developer can build a mecca of upscale apartments, marinas, retail shops, and restaurants. There will also be a conference center for use by Pfizer.

There's just no place in such a grand plan for Dery's quarter-acre property, which contains four impeccably maintained houses. It has "no reuse value," according to the planners, a fate it shares with 114 other properties, the majority of which have already been destroyed. Six others have joined Dery in holding out. They have teamed with the D.C.-based Institute for Justice to sue the city and the New London Development Corporation.

The city's position is starkly opportunistic. More than half of New London's property can't be taxed and the remaining 46 percent is fully developed, points out NLDC spokesman Christopher Riley. Local pols can only grab more money if they increase the city's tax base by upgrading existing property. Officials get dollar signs in their eyes, down to the penny, when they look to Fort Trumbull. The development "will result in a potential increase of taxes of $2,241,684.98," city lawyers note in a court document.

## Banning Fatherhood

By Brian Doherty

It's not quite eugenics, perhaps, but the Wisconsin Supreme Court agrees that it's OK for a judge to order

## NOVEMBER 1971 30 YEARS AGO IN REASON

☛ "New York's religion is Government, Social Necessity, Public Good, and attendant lesser sacraments. It has taken the faith very seriously, because it convinced itself early on that social awareness is very noble and very necessary—in sum, very humanitarian."

☛ "Subways in New York are suffocatingly hot, dirty, and crowded. And now—shades of Soviet Union or Communist China—it's illegal to take pictures of them."

**—Mark Frazier, "New York—Death of a City"**

☛ "Freedom, to be meaningful, must find direct expression in practice as well as in principle. Articulations of principles of liberty may provide the understanding, but these must be practiced to give freedom objective existence."

**—Ralph Nader, "You Can Fight City Hall"**

☛ "2,345 [West German] women have, up to now, accused themselves of having committed abortion. Emotionally sympathetic but biologically puzzling is the fact that 973 men did the same."

**—Guy de Maetelaere, "Foreign Correspondent"**

David Oakley not to reproduce.

Oakley, 34, made such a mess of his right—or perhaps privilege—to reproduce that Manitowoc County Circuit Judge Fred Hazlewood ordered him in 1999, as a condition of his probation, not to sire any more children unless he proves he can support all of them. If his libido and nature get the best of him before the five-year probation is up, he could be tossed in the pokey for eight years. Oakley has already fathered nine children with four different women, and the state says he's $25,000 in arrears on child support.

The Wisconsin Supreme Court upheld Hazlewood's decision in July. That decision, which might be seen as pushing the envelope of judges' powers to intrude on a citizen's liberty, drew the usual small furor from reproductive rights groups, fathers' rights groups, and the American Civil Liberties Union.

The Wisconsin Supreme Court split on pure gender lines, with the four men upholding the no-kids ruling and the three women dissenting. One female justice, Ann Walsh Bradley, noted that the ruling places any hapless woman impregnated by the impecunious Oakley in an awkward position: Either "have an abortion, or be responsible for Oakley going to prison for eight years." Justice Diane Sykes objected to what she sees as "a compulsory, state-sponsored, court-enforced financial test for future parenthood."

DATA

# Global Dumping

**By Michael W. Lynch**

Countries such as the United States, Australia, New Zealand, and the members of the European Union pride themselves on being free traders. Yet they often protect favored domestic industries from foreign competition by applying punitive tariffs to imports they think are being "dumped" on the cheap. As developing countries have rhetorically embraced free trade in recent years, they've also embraced the protectionism favored by First World free traders. During the first half of the 1990s, countries that have traditionally used punitive tariffs initiated 63 percent of all anti-dumping proceedings worldwide, according to a recent Cato Institute study. From 1995 through 1999 the situation reversed, and developing countries initiated 59 percent of all anti-dumping proceedings. The United States, which aggressively protects its steel industry, is now the third-largest target of anti-dumping measures, behind China and Japan.

"The rapid spread of anti-dumping protectionism throughout the world threatens to undo many of the liberalizing gains made through the elimination of quotas and import licenses and the slashing of tariff rates," the study notes. Perhaps it's time for U.S. trade bureaucrats to forget about steel and get serious about anti-dumping reform.

**Top Ten Anti-Dumping Users, Total Measures in Place, 1995–2000**

| Country | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | Average |
|---|---|---|---|---|---|---|---|
| United States | 309 | 313 | 321 | 327 | 342 | 323 | 323 |
| EU | 138 | 137 | 138 | 139 | 150 | 154 | 143 |
| Canada | 95 | 96 | 93 | 77 | 79 | 87 | 88 |
| Mexico | 92 | 90 | 82 | 83 | 77 | 77 | 84 |
| South Africa | 17 | 31 | 47 | 58 | 94 | 105 | 59 |
| Australia | 84 | 64 | 42 | 44 | 41 | 45 | 53 |
| India | 13 | 15 | 20 | 44 | 62 | 98 | 42 |
| Argentina | 19 | 31 | 35 | 37 | 42 | 43 | 35 |
| Turkey | 37 | 37 | 35 | 34 | 35 | 13 | 32 |
| Brazil | 20 | 26 | 24 | 31 | 37 | 41 | 30 |
| All others | 50 | 59 | 84 | 102 | 122 | 117 | 89 |
| **Total** | **874** | **899** | **921** | **976** | **1,081** | **1,103** | **976** |
| Traditional Users | 651 | 636 | 618 | 611 | 631 | 622 | 628 |
| Nontraditional | 223 | 263 | 303 | 365 | 450 | 481 | 348 |

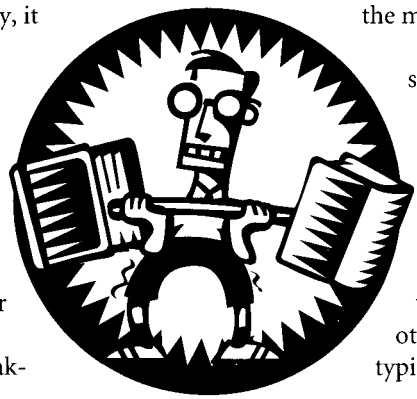
Source: Cato Institute Center for Trade Policy Studies

## Backward March

By Rhys Southan

The image of charter schools as free-form, grassroots alternatives to public schools is getting a face lift, thanks to Oakland Mayor Jerry Brown. The former California governor has shirked his old Moonbeam ways to spearhead a publicly funded military charter school for secondary students.

Brown's Oakland Military Institute, which the state board of education approved after city and county school boards rejected it, welcomed its first batch of students in August. Though not the first public military school in the country, it may be the most controversial.



"There was extreme opposition," Oakland City Manager Robert Bobb explains. "Oakland is a richly activist city, and has some very strong feelings regarding the military." The school won't board students for at least another year, but is otherwise a typical mili- ▶

## BRICKBATS

**♦ In America, if you dress up like one of the characters in J.R.R. Tolkien's *Lord of the Rings*, people might think you're a dork. In Kazakhstan, people might think you're a dangerous subversive. The nation has begun arresting and torturing those with "bohemian" lifestyles. That includes punk rockers, gays, members of minority religions, and people who attend Tolkien-themed parties. The authorities insist the Tolkien fans are Satanists conducting dark rituals.**

**♦ When Sebastian Schmidt of Cleveland boarded a Greyhound bus for Detroit, he brought an article ripped from *Esquire* to pass the time. The article, "How Women Age," included photos of nude women with strategically covered breasts. Changing buses in Toledo, he dropped some of the things he was carrying, including the article. After he picked them up, he found policeman Arrow Osborne standing over him. Osborne called the pages "borderline pornographic" and asked to inspect Schmidt's backpack. All he found was *The New York Times*. He let Schmidt go, but warned him that if he were caught reading such material in public again he'd be arrested.**

**♦ After enduring several burglaries, 93-year-old Ruby Barber decided to fight back. The Northampton, England, woman had her son string barbed wire around her garden and house. No one has broken in since. But the city council has ordered her to remove the wire because anyone who tries to climb it—for example, a burglar—might be injured.**

**—Charles Oliver**

tary institute. From 0700 hours until 1800 hours every weekday, teachers inundate uniformed students with standard academic fare flanked by such military classics as reveille, inspections, and outdoor exercises. On Saturdays, the students perform community service. Brown has assured those weary of regimented education that, "While there will be an emphasis on standardized achievement, nothing will be done to harm the students' inherent capacity to learn."

The school's Web site (www.omiacademy.org), while fraught with grammatical errors, proudly trumpets the academy's ability to churn out corporate drones: "As disciplined, and motivated individuals, OMI grads have the capacity to quickly become an asset within any company structure....Organized, prompt, result oriented [sic] employee [sic] are golden to any employer..." (Never mind the fact that OMI just opened and hasn't yet produced any of these golden grads.)

Opponents of the school say the military environment promotes violence and supports the racist idea that young African Americans, the school's primary demographic, require coercion to learn. Another complaint is its cost. OMI spends roughly $20,000 per student—double what other area schools spend—and has so far required an additional $3 million in state and local funds to stay operational.

## Drunken Assertion

By Brian Doherty

For motorists too timid to tell cops to buzz off, Don Ramsell has a product for you. Roger Clinton, take note.

Ramsell, an Illinois defense attorney specializing in drunken-driving cases, has masterminded a device known as "Ramsell's Roadside Rights Kit." It's shaped like a passport and opens up to a pocket that holds your driver's license, insurance, and car registration. On the back is a card emblazoned with an assertion of your rights when stopped by the cops. The kit also contains a button to activate a sound chip; press it, and it tells the officer that you will only exit the vehicle for the officer's safety or if under arrest.

The printed list of rights explains that the user does not consent to any of the "field sobriety tests" police use to generate probable cause for drunken-driving arrests. Ramsell cites National Highway Traffic Safety Administration (NHTSA) data indicating that the three NHTSA-approved field sobriety tests—given prior to breath or blood alcohol-content analysis—have only a 65 percent to 77 percent accuracy rate. This guarantees that a hefty number of such arrests will turn out to be illegitimate. (Incidentally, neither reciting the alphabet backward nor touching a finger to one's nose qualifies as NHTSA-approved tests.)

The kit sells for $99.95, plus shipping and handling. Ramsell won't say how many have been sold so far, though it has already played a role in at least one drunken-driving acquittal. Colin Darling was arrested for driving under the influence by police in Lake in the Hills, Illinois, after handing them the Ramsell device upon being pulled over. A jury found Darling not guilty in May.

Ramsell knows cops hate his device. He's discussed it on dozens of talk radio shows, and regularly gets abusive phone-ins from police. "The most common response from officers is, 'If I saw anybody use this product I'd arrest them,'" Ramsell says.

"I respond, 'Now you know what we are dealing with: people willing to arrest you just because you assert your rights.' That's the sort of intimidation this device is designed to respond to."

## Cryptic Biodiversity

By Sara Rimensnyder

When then–Interior Secretary Stewart L. Udall penned the first endangered species list in 1967, it included 77 species of mammals, fish, birds, reptiles, and amphibians. Today, there are

thousands. Propelled by modern technology, that number may soon rise even more rapidly.

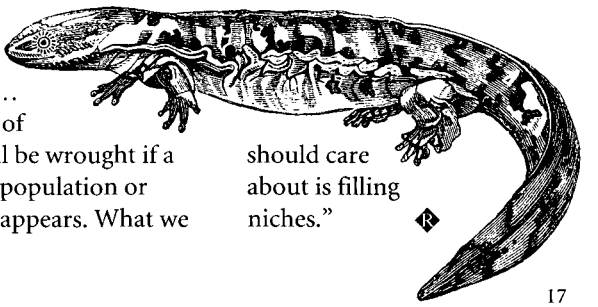
Berkeley biology professor David Wake published a paper in August announcing four new salamander species living in heavily populated areas in California. Instead of simply looking for visual clues, Wake and his colleagues sample salamanders' protein diversity and DNA. By doing so, they can differentiate between species that look almost identical but are in fact as genetically distinct as cows and horses. Such hidden differences are known as "cryptic biodiversity."

Due to these new techniques, the number of known salamander species is increasing by about 2 percent per year. "In 1954 a thorough doctoral dissertation at Berkeley concluded that there was one species of Slender Salamander, genus *Batrachoseps*, in the state," says Wake. "There are now 15." Meanwhile, salamander populations worldwide are in decline, for reasons that are hotly debated by the distressed biologists who study them.

Cryptic biodiversity isn't limited to amphibians. By examining DNA, scientists have discovered new species of birds, reptiles, whales, and plants. Says Wake, "What all this means is that we must worry a great deal more about endangered species issues."

But with new species seemingly ready to turn up in every back yard in America, popular support may be harder to sustain.

"This could put more and more pressure on the Endangered Species Act," says Richard Stroup, a senior associate at the Montana-based Political Economy Research Center, a free-market environmentalist think tank. "At some point the public is going to get some dim realization that species don't matter much by themselves. What really matters is... what kind of change will be wrought if a particular population or species disappears. What we should care about is filling niches." ®



SOUNDBITE

# Broken Theory

**By Sara Rimensnyder**

**Bernard E. Harcourt**

"If a window...is broken and is left unrepaired, all the rest of the windows will soon be broken." So conjectured James Q. Wilson and George L. Kelling in a 1982 *Atlantic Monthly* article, launching their "broken windows theory" of policing—the idea that minor disorder in communities encourages major crime. The theory leapt to the forefront of urban policy a decade later in New York City, when Mayor Rudolph Giuliani and Police Chief William Bratton told cops to enforce "quality of life." That policy justified everything from cleaning up graffiti to patting down citizens judged to be a public nuisance. Gotham's crime rates plummeted, and the broken windows theory seemed incontrovertible.

Enter Bernard E. Harcourt, an associate professor of law at the University of Arizona. His new book, *Illusion of Order: The False Promise of Broken Windows Policing* (Harvard University Press), offers a stinging indictment of New York–style law enforcement. Drawing heavily on the work of French thinker Michel Foucault, Harcourt argues that cracking down on "disorder" doesn't prevent crime but in fact perpetuates it by creating a new class of deviants.

REASON Assistant Editor Sara Rimensnyder recently spoke to Harcourt by phone.

**Q:** Given New York's indisputable crime drop, what's behind your contention that broken windows policing is ineffective?

**A:** There's no good evidence that more order—fewer broken windows, less litter, fewer panhandlers—decreases crime. Crime has decreased as much or more in other major urban areas that never adopted the broken windows theory.

New York is the poster child for this claim. The question is *how* New York–style policing contributed to the drop. [Cleaning things up] may have played a small role, but the main mechanism was increased surveillance. The city hired 6,000 new cops in the early '90s. Misdemeanor arrests increased 50 percent. Stop-and-frisks increased significantly. That's not a beautification program. That's more surveillance.

**Q:** So maybe broken windows policing doesn't reduce crime per se. Why worry?

**A:** The theory divides the population into two groups: law abiders and the disorderly. It suggests that disorder sends the law abiders packing to the suburbs, and causes the disorderly to commit crimes. But the fact is, the theory *creates* this category of the disorderly, the "losers of society." And it then becomes self-fulfilling prophecy. Once we've decided that this group is the cause of crime, it's much easier to crack down aggressively. The big question is, Who gets to define these categories? Why, when crime was dropping in New York, did people say order was increasing when, at the same time, complaints of police misconduct went up 60 percent?

**Q:** In practice, how does creating this "disorderly" category threaten a free society?

**A:** I see this new approach to policing, the order-maintenance approach, as one of the two major trends in criminal justice today. It's not just New York. Chicago has adopted anti-loitering ordinances. Throughout the U.S., cities have implemented youth curfews and anti-camping laws. The other major trend is a massive increase in incarceration rates. What is ironic is that many people support order-maintenance as a milder alternative to increased incarceration. Order-maintenance is not an alternative, but an *addition* to the prison boom.

Sam MacDonald

# D.C. Dispatches

## A case of missing gun data—and of a missing attorney general

When I arrived at the inaugural meeting of the National Research Council's Committee to Improve Research and Data on Firearms on August 30, I was the only media representative on hand. No CNN. No *New York Times*. Not even *The Washington Post*. Too bad. The committee's report, due in two years, could shape the gun debate for decades to come. More important, a few stunning admissions at the meeting reveal an important fact about the body of information upon which America's existing gun control laws are built: There isn't any body of information.

The National Research Council is an arm of the National Academies. In conjunction with the Centers for Disease Control and Prevention (CDC), the National Institute of Justice, and three private foundations, the council has called on 16 academics and other notables from around the country to study gun violence. The participants are mainly doctors and social science researchers, and their charge is four-fold: assess the existing research and data on firearm violence; evaluate prevention, intervention, and control strategies; describe and develop models of illegal firearms markets; and examine how firearms become embedded in a community. If you think someone might have done those things before passing the thousands of gun control laws already on the books, you're wrong.

James Mercy, associate director of research at the CDC's Division of Violence Prevention, detailed for the panel the woeful lack of information that policy makers face, especially on the national level. "We can't answer very basic questions with existing data sources about this problem," he explained. "We can't tell you in almost all jurisdictions in the country what portion of homicides are committed with assault rifles, however you choose to define that term. We can't tell you the number of permanently disabling injuries to the spinal cord and the brain caused by firearms. That's unknown. We can't even tell you the number of violent deaths that occur in schools....There are many questions like these, very basic questions, that we simply can't answer because of the poverty of data that exists in this field. This poverty of data has particularly bad consequences for the evaluation of public policy related to violence. Many of our public policies are targeted at specific types of violence, but we cannot link very specific types of firearms to suicides and homicides with existing data sources."

**Officials don't know where crimes occur, how criminals get guns, what kind of guns they use, or how other risk factors, such as poverty or drug use, affect gun crimes.**

Officials don't know where crimes occur, how criminals get guns, what kind of guns they use, or how other risk factors, such as poverty or drug use, affect gun crimes. I asked if it was then true that all existing laws were created in absence of this critical information. Patti Culross, associate program officer of the David and Lucille Packard Foundation, brought down the house with, "I don't think it's surprising to anyone here that sometimes laws are not based on information."

Douglas Weil, research director at the Brady Center to Prevent Gun Violence, seemed to think that ignorance was just fine. "One reason for trigger locks, even if you don't think trigger locks are going to be that effective, is because it is a good way to get people to think about [gun safety]....Maybe it won't be that effective, maybe it will. It doesn't mean there is no logic behind it."

Lois Mock, an analyst at the National Institute for Justice, was discussing how difficult it was to turn good local data into reliable national numbers when she cast doubt on the very idea of national gun laws. "Firearm problems are local," she said. "They differ from one city to another, from one state to another, from rural and suburban areas to cities, even from one neighborhood in a city to another....So there is no one-size-fits-all in terms of a program to intervene in firearms violence."

Here's a topper: Even when there is data, the feds don't always use it. That's according to Dr. Stephen Hargarten, director of the Firearm Injury Center (FIC) at the Medical College of Wisconsin, one of the few organizations with reliable statewide data. He talked about what happened when the Clinton administration started its campaign against assault weapons. First it turned to the CDC and The Johns Hopkins University. But when they couldn't find numbers on assault rifle deaths, the administration turned to the FIC. Hargarten said he told the feds that short-barreled pistols were a much bigger problem, at least in Wisconsin. "Did that inform the subsequent political discussion?" he told the panel. "No....The assault weapon ban was so much hot air."

So what now? The committee will try to pull together all the best data from around the country and devise ways to mesh it together. Critics have argued that the scholars selected for the committee and the private foundations partially bankrolling it all but guarantee an anti-gun report. On the other hand, the committee did hear from a National Rifle Association spokes-

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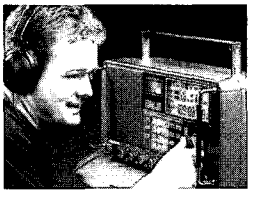

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man, and there was some talk of trying to calculate the benefits of gun ownership along with the costs. Let's hope the numbers the committee cooks are fair—two years from now they will be the only numbers anyone has. Remember, we got thousands of laws when there weren't any numbers at all.

Washington wanted a few words with Attorney General John Ashcroft the first week of September, but nobody could find him. Some fellow Republicans wanted to upbraid Ashcroft, and not simply for losing last year's Missouri Senate seat to a dead Democrat. Rep. Dan Burton, the Indiana Republican who is chairman of the House Government Reform Committee, was upset about the Department of Justice's failure to prosecute a variety of criminal cases.

Burton, perhaps best known for shooting up watermelons in his backyard as a way of investigating the Vince Foster suicide (don't ask), wants to examine DOJ documents. Ashcroft won't produce them, and Burton is so mad that, at a September 6 hearing, he actually compared Ashcroft to Janet Reno. (Coming from Burton, that's even more of an insult than when he famously called President Clinton a "scumbag.") Ashcroft wasn't there to accept the abuse, but a civics-minded DOJ spokesperson did tell *The Washington Times* that "the oversight responsibility of Congress is fundamental to the constitutional system of checks and balances."

The scoldings were bipartisan. Just the day before Burton's hearing, the nation's top cop was called before the Senate Judiciary Committee by Sen. Richard Durbin (D-Ill.), to answer charges that he has been pussyfooting on a gargantuan federal lawsuit against the tobacco industry. Ashcroft sent someone else to take the heat. So where was he? Well, he told the Judiciary Committee that he'd be busy with yet *another* hearing, one already scheduled by the Senate Intelligence Committee. But Intelligence cancelled its hearing, so we can only speculate about Ashcroft's whereabouts.

One guess involves Microsoft. On September 6, the DOJ announced its decision to abandon the Clinton-era effort to break up the giant software company. So was Ashcroft spending the day before in depressed seclusion at the prospect of a big one that got away? Probably not. Maybe he jetted to Redmond to drink champagne with Bill Gates? Equally unlikely.

Durbin knew perfectly well that Ashcroft wouldn't be present, but nevertheless delivered a tongue-lashing. The Illinois Democrat has been saving Americans from themselves since 1987, when he penned legislation banning smoking on short-distance commercial flights. At issue in the hearing was a 1999 federal case that the Clinton administration filed against the industry. Just as the breakup of Microsoft was made unlikely by a court decision, two-thirds of the Clinton anti-tobacco case—the parts attempting to recoup billions in health care costs—have already been thrown out of court.

**Where was John Ashcroft? Could it be true that he was laying a wreath at a Confederate memorial across the Potomac?**

However, the best part of the lawsuit remains: Durbin wants to go after Joe Camel and the Marlboro Man using the Racketeer Influenced and Corrupt Organizations Act, legislation designed to help the federal government squash organized crime. A favorable ruling would allow the court to demand a "disgorgement" of the industry's ill-gotten gains. That would let the government seize tobacco companies' assets the same way it can seize a drug dealer's car. There are literally billions of dollars at stake, and Durbin is not convinced that Ashcroft shares his anti-tobacco enthusiasm.

This piece of political theater went on for two hours. "The Department of Justice's management of this case seems unprofessional at best," said a steamed Durbin. "At worst, they are killing this lawsuit and don't have the political courage to admit it publicly....The American people deserve their day in court, but even more importantly, they deserve competent and committed legal representation."

Harsh words. No doubt Ashcroft would have responded effectively had he been there. Where was he? Could it be true that he was laying a wreath at a Confederate memorial across the Potomac? Surely not. Acting Assistant Attorney General Stuart Schiffer was present in Ashcroft's stead. He cited the 26 government attorneys and eight staff members working on the case full time, and mentioned plans to add four more bodies. He said the effort cost the feds $23.2 million this fiscal year, and that he expects to ask for more than $40 million for fiscal year 2002. That should make us all feel better.

After Schiffer left, Durbin staged Act II of his melodrama. He trotted out another panel, including a woman who blamed the tobacco industry for the emphysema that came 40 years into her life as a smoker. A representative from the Clinton-era Department of Justice detailed how diligently *he* had sought funds for the case on his watch. Two legal scholars later debated the wisdom of using the judiciary to attack the tobacco industry. Ashcroft wasn't there to hear any of it. Could he have been tied up with the Washington visit of Mexican President Vicente Fox?

Actually, yes. Ashcroft's office says that's just how the attorney general spent the day, but that's all the details I got from his staff. Given how many frustrated lawmakers were lined up to talk to Ashcroft, whoever he met with at the White House was singularly fortunate. As for what Ashcroft spent the day talking *about*, well, never mind. Maybe he talked to Mexican officials about amnesty for illegal aliens. Or maybe they discussed browser bundling. Or maybe they snuck out to the Rose Garden for a quick smoke. After all, it had been a pretty intense week for everyone.

*Sam MacDonald (smacdonald@reason.com) is* REASON's *Washington editor. Read his weekly columns at www.reason.com/opeds/macdonald.html.*

Cathy Young

# Good Sports?

**Despite continuing Title IX controversy, women are having a ball.**

As summer ended this year, women took center stage at the U.S. Open tennis tournament; the Women's National Basketball Association crowned a new champion, the Los Angeles Sparks; and the Women's United Soccer Association (WUSA), an offspring of the spectacular success of the 1999 Women's World Cup, held its first-ever championship game, in front of a crowd more than 21,000 strong.

The popularity of women's sports is a widely hailed trend—but, like anything related to gender, it provokes controversy.

It's an article of faith among advocates of women's sports that the remarkable growth in women's athletics over the past quarter century has been the fruit of Title IX, the 1972 federal law that requires parity in funding for school-based male and female sports. By the same token, critics of interventionist government often view the women's sports phenomenon as a product of statist social engineering. They too zero in on Title IX, claiming that it is the apotheosis of ideological overreach. They point to recent interpretations of Title IX that essentially mandate equal rates of athletic participation for male and female students regardless of actual interest levels—and that achieve parity less by expanding women's sports programs and more by cutting men's. (See "Title IX's Pyrrhic Victory," REASON, April.)

Even most Title IX supporters tend to agree that this less-for-everyone approach to gender equity has been a disaster, bringing the ax down on many excellent men's gymnastics, soccer, and wrestling teams. However, they make a strong case that most of the blame rests with the reluctance of college administrators to touch the bloated budgets and inflated rosters of football programs. Given the seamy side of lucrative men's scholastic sports programs—including abysmally high dropout rates and a tendency to wink at cheating and criminal behavior by "student" athletes—seeing men's sports squeezed a bit to create opportunities for women might not be such a cause for mourning.

**Is it really a bad thing to highlight the fact that some women's basketball players are mothers, or that a few of them are gorgeous—and that most of the rest look unmistakably female?**

What's more, in some areas, particularly on the pre-college level, there remain tangible inequities in the treatment of boys' and girls' sports in such matters as locker facilities, funding for road trips and athletic equipment, and the like. Of course, these disparities largely reflect the undisputed fact that there is less interest in girls' games, but lower interest and lower investment tend to become a vicious circle. If nothing else, Title IX has clearly had an "if you build it, they will come" effect.

One may well point out that the state shouldn't be in the business of furthering cultural change in attitudes toward women's sports. But when it comes to opportunities in the public sector, such an argument is difficult to sustain, especially given the massive amount of public money spent on sports. And, sometimes, the legacy of girls' past exclusion results in fairly glaring present injustices—such as girls' softball teams being denied access to the best public playing fields because of a seniority system that gives preference to boys' baseball teams simply because they have been around longer.

It's hard to tell how much credit Title IX should actually get for the growth of women's sports. In 1971, prior to the passage of this law, girls made up about 5 percent of high school athletes. Today, they make up nearly 40 percent. But the influx of women into other formerly male bastions, such as medical and law schools, has been equally spectacular without any government mandates. Given the cultural changes of the past 30 years, the popularity of girls' and women's sports would have skyrocketed, with or without government intervention. As Fred Barnes noted in *The Weekly Standard* in 1999, when Women's World Cup mania led to endless paeans to Title IX, girls' soccer was jumpstarted in the 1970s and early '80s by private associations more than public school varsity teams. That was back in the days when Title IX was only haphazardly enforced.

A few conservatives' suspiciousness of women's sports goes beyond the issue of Title IX and intrusive government. In a 2000 *Washington Times* column, Stephen Moore voiced the opinion that top women tennis players didn't deserve to be paid as much as their male counterparts—even if the pay was based on market economics—because they couldn't compete against the men. Moore also suggested that the solution to questions of gender equity in scholastic sports was to make high school and college teams unisex and select the best talent, male or female. Interestingly, in a column two years earlier, he had griped that co-ed peewee soccer

leagues were "doing irreparable harm to the psyche of America's little boys" because at that age, girls can often beat them. Apparently, unisex sports are all right only when the outcome is that girls will not only get trounced but, in most cases, get no chance to play at all.

In a few cases, right-wing broadsides against women's sports are explicitly based on a distaste for the transgression of traditional gender roles. The most striking example is Debbie Schlussel, a Detroit attorney and a columnist for WorldNetDaily.com, who makes no bones about her belief that women should be making money as fashion models and should leave athletics to men. Her most recent diatribe on the subject beats the drum about the allegedly high quotient of lesbians in the WNBA. (Full disclosure: After Schlussel and I clashed over women's sports two years ago, she accused me of plagiarizing from one of her columns—charges that were rejected by my editors at two newspapers and by a media critic who examined the controversy.)

Women's sports do have revolutionary cultural implications. This isn't just about equity for little girls but about a vision of womanhood that includes sweat and strength, competitiveness and even ferocity. One could say that this is feminism at its best—it revels in female power and accomplishment, instead of wallowing in victimhood.

But the rise of women's athletics is rife with paradoxes that plague feminists as well. The conquest of this male bastion can take place only in an all-female environment (Stephen Moore does have a point here). With a few exceptions—equestrian sports or sharpshooting—sports are virtually the only remaining sex-segregated activity.

In last year's book *The Frailty Myth: Women Competing for Physical Equality*, journalist Colette Dowling argues that physical ability is the last frontier in women's pursuit of full equality with men, and that the patriarchy has discouraged women from fulfilling their athletic potential because of a "hidden agenda of keeping women in their place by keeping them believing in their weakness." Writes Dowling, "If women should ever demonstrate that they're just as strong, agile, and


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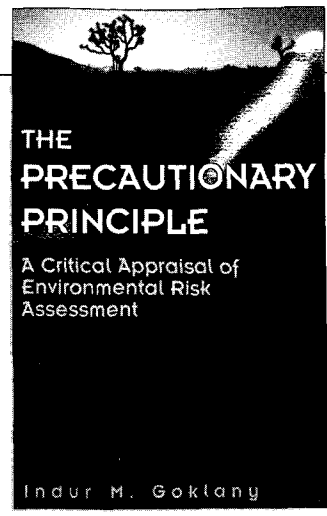


The "precautionary principle"–a "better safe than sorry" rule–is increasingly invoked to justify government regulations to stop potential environmental problems such a global warming, genetically modified foods, and DDT. The author argues that not halting such potential crises might entail health risks, but so might their regulation. He argues that a balanced application of this principle cautions against aggressive regulation.

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enduring as men, the whole game would be up."

But, of course, women simply aren't as strong or as fast as men: In a unisex competition, track superstar Marion Jones would not have won an Olympic medal; indeed, she wouldn't even have made the finals. The centerpiece of Dowling's argument is that women can perform just as well when adjustments are made for differences in body size. Even if that assertion is true—and many experts dispute it—those size differences would still leave women unable to hold their own in direct competition with men. (Dowling is cagey on whether she wants to do away with sex segregation in sports.) Despite the hype about the closing gap between the records of male and female runners—which, actually, has widened again in recent years—the female winners of the New York City Marathon invariably come in behind more than 40 men.

Luckily, the women's game can be enjoyed on its own terms. Even if Venus Williams wouldn't last long against Andre Agassi, women's tennis matches now often outdo the men's in attendance and television ratings; in a recent *USA Today* poll, 75 percent of tennis fans said they preferred the women's game. (Moore blames the fact that "high-tech titanium rackets are ruining the men's game"; obviously, it couldn't have anything to do with the women's skill and flair.) Many male soccer fans are greatly impressed by the skill, finesse, and aggressiveness of women players. The popularity of women's college basketball is still nowhere near the men's game, but it has been steadily growing in attendance and television ratings, too.

Still, if nothing else, women's sports are clearly incompatible with the notion, popular with some academic feminists, that the two sexes are not distinct biological categories but points on a "continuum." (On a continuum for athletic ability, women will be stuck at the lower end.) One might also detect hypocrisy on the part of feminists who endorse gender segregation in sports but downplay the sex differential in strength when it comes to the military or to professions like firefighting.

There are other paradoxical intersections between sports and feminism. In sports such as basketball, where women are still battling for a place in the sun, long-term success requires often grating compromises. The WNBA keeps salaries relatively paltry in order to focus on marketing and plays a truncated summer season, but has access to the deep pockets, the arenas, and the other resources of the NBA. Its erstwhile rival, the American Basketball League, which chose to play in the same season as men—albeit in smaller arenas—and to pay the players relatively high (though hardly NBA-range) salaries, went bankrupt in its third season in 1998.

And then there's the issue of sexuality. During the Women's World Cup of 1999, U.S. soccer star Brandi Chastain drew some flak for having posed nude, albeit in a discreet posture, in *Gear* magazine. Some feminists, such as writer and former basketball player Mariah Burton Nelson, have accused the WNBA of hyping attractive and heterosexual players with "their fingernails, their makeup, their boyfriends [and] their babies" while downplaying the presence of lesbians.

If lesbian athletes are kept in the closet, that's a legitimate gripe. But is it really a bad thing to highlight the fact that some WNBA players are mothers, or that a few of them are gorgeous—such as this year's Most Valuable Player and part-time model Lisa Leslie—and that most of the rest look unmistakably female? Unfortunately, the perception of athleticism as not quite feminine still lingers—and, fortunately (in my opinion, anyway), most women will always want to be appealing to men. If Leslie or Chastain can reassure both women and men that women can be no less feminine for being strong and athletic, good for them, and for the rest of us.

Will girls' interest in sports some day reach the same levels as boys', making the wrangling over the meaning of parity and equity unnecessary? Will women's basketball and soccer replicate the success of women's tennis? All that remains to be seen. For now, the good news is that millions of Americans of all ages and both sexes watched the girls of summer without giving a thought to gender politics. ◆

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Michael W. Lynch

# Money for Nothing

## The joys of U.S. farm policy

Why is there a stigma attached to using government-financed stamps to purchase food but no stigma attached to accepting government money to grow the food in the first place? American farm policy is filled with such stumpers.

Consider that federal cash payments to individuals—the program formerly known as Aid to Families with Dependent Children—were widely criticized for creating intergenerational dependency on the federal government and allowing people to maintain an idle lifestyle. Yet cash payments to American farmers are justified by some precisely because they promote intergenerational dependency on government and allow for an idle lifestyle.

"If we'd kept our land in wheat, the fixed costs for equipment [and] fertilizer would have played havoc with our budget," North Dakota farmer Lyle Sjostrom told *The New York Times* in late August. He dedicated 40 percent of his 4,000 acres to the federal government's conservation program, a move he credits with allowing his son, a full-time seed peddler, to become a farmer in his spare time. (When women on welfare work a job on the side to supplement their government checks it's considered welfare fraud, but when farmers take outside jobs, such as selling seeds or legislating farm policy, it's considered noble.)

Others praise farm handouts for the leisure they provide. "Subsidies are critical to most gentlemen farming in Arkansas," Sen. Blanche Lincoln (D-Ark.) told the *Times*.

Lincoln is one of seven congressional farmers who receive thousands of dollars every year from taxpayers. Some, like Rep. Charles Stenholm (D-Texas), an author of farm legislation, find value in dependence on government. "Working a farm and relying on subsidies has been a plus for me," Stenholm told the *Times*. Perhaps that's why Stenholm joined with Rep. Marion Berry (D-Ark.) in voting against the modest tax cut passed earlier this year. They recognized that handing people's money back in individual increments of up to $300 means there is less money for five- and six-figure checks to farmers such as themselves. (Berry's family enterprises raked in $649,750 in farm subsidies over the last five years. Stenholm received $39,298 over the same period.)

Advocates for American farmers are extremely worried about what the declining fortune of the federal treasury means for them. In July, Democrats were forced to accept $2 billion less in the routine emergency farm bill (the end result: farmers only got a bonus $5.5 billion in their pockets this time around). And, as of press time, the House was set to debate a 10-year, $171 billion farm package that guarantees payments to indigent farmers.

**Farmers are lining up to get paid not to work, or at least to be non-farming farmers. It's good work—if you can get it.**

Taxpayers might well wonder what happened to the free-market farm policy that was enshrined in the 1996 Freedom to Farm Bill. That law freed farmers of row crops such as corn, wheat, cotton, rice, and soybeans from much federal regulation in exchange for giving up guaranteed payments from D.C. It turns out that farmers did like being free from the dictates of bureaucratic planners. However, they didn't like having to rely on their farms for income.

From the taxpayer perspective, the law has been a complete bust. Farm subsidies skyrocketed from $7.3 billion in 1995 to $32.2 billion last year.

From the point of view of individual farmers, the welfare explosion has been great. For instance, between 1996 and 1999, federal payments to Texas farmer Lanny Bezner jumped from $164,621 to $741,839, for a total take of $1.38 million. "We're successful primarily because of government help," Bezner, who has been expanding his operations, told the *Times*. He's not alone: The U.S. Department of Agriculture predicts farm income—nearly half from government payouts—will reach a record $61 billion this year.

As ridiculous as current farm policy is, some in Washington want to make it even worse. These advocates would transform the farm program into a *conservation* program. The new plan would expand programs that pay farmers to let their land return to a more natural state or pay them to farm in more environmentally friendly ways. It has the political benefit of not violating World Trade Organization rules on farm subsidies while giving handouts to landowners who don't farm subsidized crops. In other words, farmers and ranchers who raise tomatoes and pigs, say, can now put their faces in the federal trough.

Many farmers welcome the shift to conservation and are lining up to get paid not to work, or at least to be non-farming farmers. More than 36 million acres are currently enrolled in the program and more landowners want in. That's hardly surprising. Money for nothing: It's good work—if you can get it. ◆

*Michael W. Lynch (mwlynch@reason.com) is* REASON*'s national correspondent. Read his weekly columns at www.reason.com/opeds/lynch.html.*

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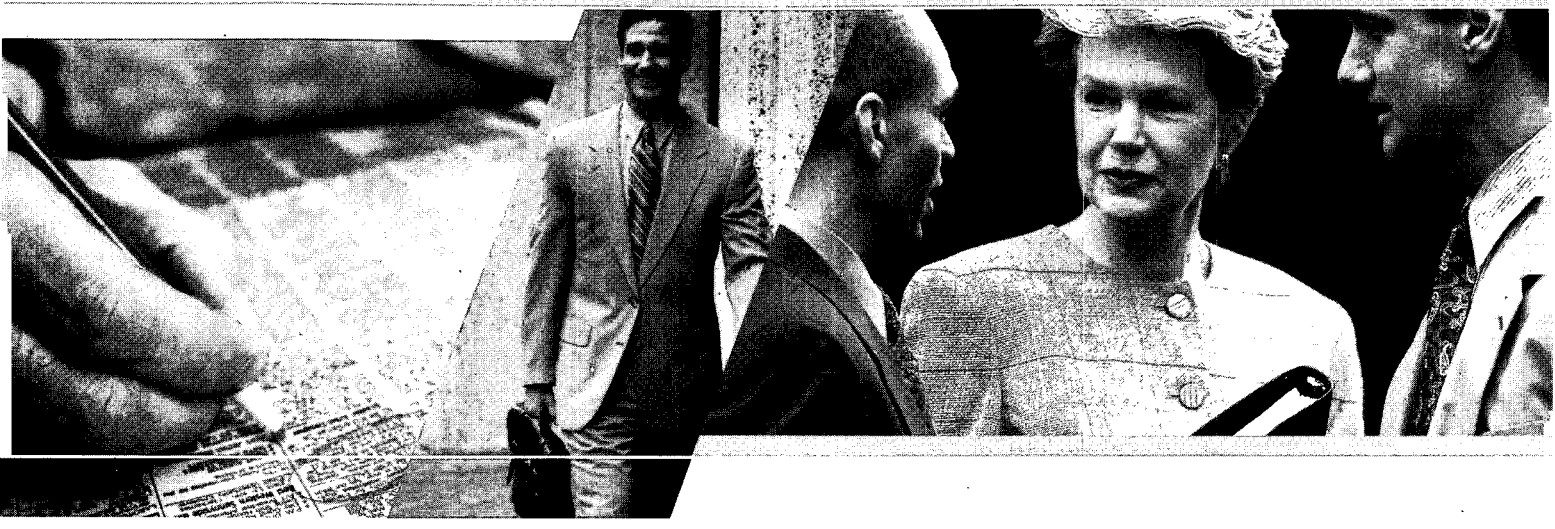

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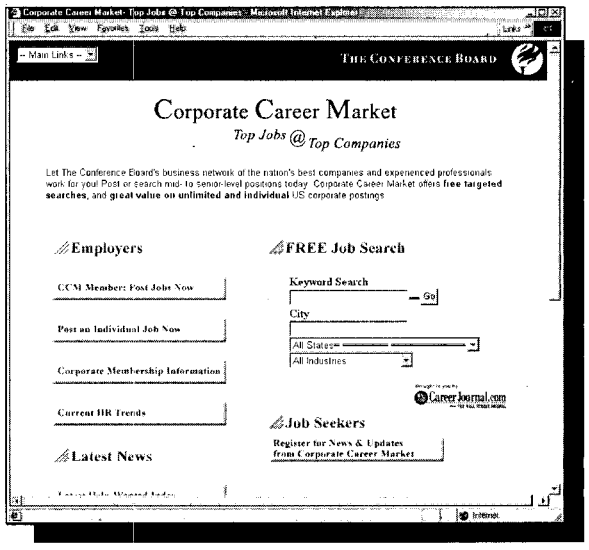
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AT A SPANISH COMIC CONVENTION...
I SMELL POT.
A LOT OF PEOPLE HERE MIX HASHISH INTO THEIR HAND-ROLLED CIGARETTES.
REALLY? IS HASH LEGAL HERE?
LEGAL? OF COURSE NOT!
HERE, WANT SOME?
?!? UH, NO THANKS.
...ANOTHER ODD THING I'VE NOTICED IS HOW NEWSTANDS HERE RACK ADULT MAGAZINES RIGHT NEXT TO CHILDREN'S PUBLICATIONS...
SO? THEY'RE JUST MAGAZINES.
BUT, THIS PORNO RAG IS RIGHT NEXT TO A DONALD DUCK COMIC!
IS THAT LEGAL HERE?
HMMM... I'M NOT SURE...
PROBABLY NOT.
Donald Duck
AND THAT REMINDS ME...
LOOK AT THIS MURAL THAT ALL THE GUEST ARTISTS COLLABORATED ON...
WHAT ABOUT IT?
IT'S FILLED WITH FILTHY DRAWINGS!
AND ALL THESE KIDS ARE HERE, YET NO ONE IS COMPLAINING!
WHY SHOULD THEY? THEY'RE FUNNY DRAWINGS!
BUT, WHAT IF A PARENT DOES COMPLAIN? WHAT THEN?
OH, THEN WE'LL GO INTO "OUTRAGE MODE"... YOU KNOW: "WHO DID THIS THING? COVER IT UP, QUICK!"
SO THEN WE'D PAINT OVER IT AND THEN FORGET ABOUT IT.
BUT, WHAT IF SOMEONE REFUSES TO FORGET ABOUT IT, AND TRIES TO SHUT DOWN THE ENTIRE CONVENTION?
HMMMM... THEN I'D SUGGEST TO THAT PERSON THAT HE OR SHE MOVE TO AMERICA AND BECOME A POLITICIAN...
WANNA DO SOME COKE?

# Antitrust's Greatest Hits

## The foolish precedents behind the Microsoft case

**By David B. Kopel and Joseph Bast**

New developments in the antitrust face-off between Microsoft and the U.S. Department of Justice keep on coming. On August 17, Bill Gates' company failed in its efforts to delay any more action in the case until the Supreme Court decides whether to consider Microsoft's request to dismiss the suit. That was bad news for the company, since the next major step would be to decide what "remedies" will be imposed. Then, on September 6, the DOJ announced that it would no longer seek a breakup of the company—and, more surprisingly, that it would drop its claim that Microsoft had illegally "bundled" separate programs. But the other charges remain, and it is clear that Microsoft's enemies will surely urge the court to impose every possible restriction on the company's ability to adapt to changing conditions—particularly the diminishing importance of the personal computer and the growth of Web-based computing.

DARREN GYGI

It has been six years since Microsoft introduced Windows 95, the operating system that, by "bundling" itself with a Web browser, prompted the government's first antitrust suit against the company in 1997. Put another way, six years have gone by without Microsoft suffering any penalty for its supposed misconduct—unless, of course, you count the expenses and negative publicity it has incurred fighting the Justice Department. When Windows 95 debuted, Microsoft's critics and competitors made many predictions of the unpleasant things that would happen if the company kept doing business without new restraints. It's past time to see whether those predictions have come true.

It is also past time to take an even longer historical perspective: to look at the government's earlier adventures in antitrust and see how they compare with the Microsoft case. The results are very telling—not just with regard to Microsoft, but to antitrust law in general. Indeed, when one looks closely at the ground-breaking government actions taken against Standard Oil, the Aluminum Company of America, and AT&T, it becomes clear that something other than preventing harm to consumers—the stated goal of federal antitrust legislation—is the motivating force behind applying the law. Misinterpretation of these cases lies behind the claim that Microsoft, unless punished, crippled, or otherwise injured, will achieve a "chokehold on the Internet" or somehow undermine the entire computer industry.

What follows is a medley of what might be called antitrust's greatest hits and an analysis of how the lessons of history are being misapplied to the Microsoft case.

## The Oil Standard

From 1906 to 1911, antitrust authorities prosecuted Standard Oil, a case that culminated with John D. Rockefeller's company being forcibly broken up into several smaller businesses. The Microsoft wars have often been compared to the Standard Oil case, and the analogy is apt—though not in the way it is usually intended.

Like Microsoft, Standard Oil was pilloried for practices considered legitimate when used by other companies. Since Standard Oil was such a high-volume customer, railroads gave it special discounts in exchange for planning shipments in ways that enabled railroads to use their lines and railcars most efficiently. Standard Oil's competitors complained bitterly about these discounts (called "rebates"), which the railroads kept secret from other oil companies.

Also like Microsoft, Standard Oil may have harmed its competitors, but it helped its consumers. Rockefeller's chemists developed 300 different byproducts from oil and created production and distribution processes far more efficient than those of other companies, allowing it to underprice them and to buy many of them out.

Standard Oil began in 1870, when kerosene cost 30 cents a gallon. By 1897, Rockefeller's scientists and managers had driven the price to under 6 cents per gallon, and many of his less-efficient competitors were out of business—including companies whose inferior grades of kerosene were prone to explosion and whose dangerous wares had depressed the demand for the product. Standard Oil did the same for petroleum: In a single decade, from 1880 to 1890, Rockefeller's consolidations helped drive petroleum prices down 61 percent while increasing output 393 percent. He eventually built Standard Oil of New Jersey into a trust composed of 18 companies operating under a single board of directors.

Standard Oil used resources with legendary efficiency, introducing many new labor-saving devices to its factories and locating sophisticated facilities at key points in its distribution system. Yet Rockefeller paid wages well above the market level, believing that high wages and good working conditions would save money in the long run by averting strikes and by encouraging loyalty among employees. Before Standard Oil revolutionized oil derivatives by lowering prices and improving quality, the high prices and limited supplies of whale oil and candles prevented all but the wealthy from being able to work or entertain after dark. Thanks to Standard Oil, families could illuminate their homes for just one cent per hour. And he saved the whales.

The federal government filed suit against Standard Oil in 1906 for violating the Sherman Antitrust Act, and in 1909, the company was found guilty; the Supreme Court affirmed the finding in 1911. Standard Oil, claimed the courts, evinced an "intent and purpose to exclude others"—demonstrated, ironically, by its many mergers, acquisitions, and business alliances. No one brought forward evidence of consumer harm, and the

**Misinterpretation of former antitrust cases lies behind the claim that Microsoft, unless punished, crippled, or otherwise injured, will achieve a "chokehold on the Internet."**

government never showed that Standard's specific actions, as opposed to its alleged intent, were illegal.

For several decades following the verdict, economists and legal scholars viewed the Standard Oil case as a classic example of "predatory pricing"—a monopolist's attempt to underprice its competitors out of the market so it could raise its prices later. In fact, just as the threat of new entry into the operating system, browser, and applications markets has kept Microsoft from ever exercising its supposed "monopoly power," so did new sources of competition keep Standard Oil from raising its prices. Neither the federal district court nor the U.S. Supreme Court found that Standard Oil's practices made kerosene prices higher than they otherwise would have been. If Microsoft Windows actually were a monopoly (that is, essential for anyone who wants to use a computer), the proper price would be about $900 a copy. Microsoft doesn't price this high because it knows that if it does, consumers will flock to Linux and Macintosh, and other companies would enter the operating system business, with products much cheaper than $900.

There's one more important parallel between the Standard Oil and Microsoft cases: Technological change made the Standard Oil decision obsolete by the time it was resolved. Of course, the Microsoft case hasn't resolved itself yet, but as we'll see, changing technologies are changing market conditions in the software world as well.

The oil business was opening fields in states such as Kansas, Oklahoma, Louisiana, California, and especially Texas, where Rockefeller had failed to invest. All those fields were far away from the Ohio/Pennsylvania/New Jersey corridor that was the base of Standard Oil's power. Also, the national kerosene market had declined, as home lighting shifted from kerosene lamps to coal-generated electricity and as fuel oil replaced coal and wood as the major fuel for home heating. In 1899, kerosene had accounted for 58 percent of all refined petroleum sales, and fuel oil for 15 percent. By 1914, kerosene had plunged to 25 percent, and fuel oil had risen to 48 percent.

Rockefeller was slow to switch from kerosene to gasoline, and with only 11 percent of the nation's oil production in 1911, Standard Oil could never hope to dominate the new market. Throughout the energy business, new technologies and new efficiencies were creating new and stronger competitors from industries previously distinct from the oil industry. Those competitors were far more powerful than the kerosene companies Rockefeller had defeated decades before.

Some observers have noted that in the years after Standard Oil was broken into smaller regional companies, the stock prices of those smaller companies rose, leading to speculation that breaking up Microsoft might have a similar positive effect on the total value of Microsoft stock. This is a misreading. Nearly all oil companies' stock went up in that period, not because of the breakup but because of rising demand and technological breakthroughs. Nor did the breakup have any discernible impact on oil production or oil prices.

The government's victory against Standard Oil had a long-term effect on the oil industry that is seldom discussed by those who see parallels with the Microsoft case. Only six years after losing the antitrust case, Standard Oil dramatically changed its attitude toward Washington, moving from hostility or avoidance to a very warm embrace. Company chief A.C. Bedford served as chairman of the War Services Committee, an agency created to mobilize the nation's supplies of gasoline and diesel fuel for military use during World War I. After the war, federal control never retreated, transforming what economist Dominick Armentano has called "a virtual textbook example of a free and competitive market" into "what had previously been unobtainable: a governmentally sanctioned cartel in oil." The legacies of this transformation include higher prices for consumers and the "energy crisis" of the 1970s. Deregulation in the 1980s finally restored some measure of competition to the industry.

The Standard Oil case teaches some important lessons about competition, innovation, and antitrust law. We see the difficulty antitrust has dealing with highly innovative companies. We witness the vagueness of antitrust law, which allows prosecution on the basis of alleged intent rather than specific actions. And we see how the Standard Oil case ultimately failed to benefit consumers or investors. Instead, it laid the groundwork for collusion between industry and government, bringing about many of the very ills the "progressive" proponents of antitrust said they were fighting.

## Too Good to Be Allowed

In 1937, the U.S. government filed suit against the Aluminum Company of America, alleging over 100 violations of antitrust law. The government lost the case and appealed. The matter was finally decided eight years later, in 1945. This case is remarkable because it held that a company could be prosecuted under antitrust laws for being too efficient and responding too quickly to consumer demand.

The Aluminum Company of America (later Alcoa) grew out of the Pittsburgh Reduction Co., founded in 1887 by Charles Hall, the man who discovered and patented the technology for producing commercial quantities of aluminum. At the time, aluminum ingots sold for $5 a pound. By the time of the antitrust suit, the price was down to 22 cents per pound.

Alcoa dominated its industry from the start. It not only invented nearly all the tools and techniques required to lower production costs and raise the quality of the aluminum it produced, but also played a major role in creating markets for the new metal. While many companies entered the business of fabricating products out of aluminum and collecting and recycling used aluminum, none attempted to compete with Alcoa by producing virgin aluminum ingots. This was not because Alcoa restricted access to inputs such as electricity or aluminum bauxite, both of which the courts ruled were available to potential competitors in ample supply. Nor, by the time of the suit, did Alcoa deny others access to the manufacturing techniques it had patented: Those patents had expired in 1910. Alcoa was dominant because, as Armentano summarizes the situation, "users of ingot or sheet, and ultimately the consumers of fabricated products made from

aluminum by Alcoa, were being served at degrees of excellence, prices, and profit rates that no one could equal or exceed."

The lower court found Alcoa innocent of all counts of anti-competitive behavior, even while acknowledging that it controlled 90 percent of the market for virgin aluminum ingot. (The other 10 percent was imports.) District Court Judge Francis G. Caffey reasoned that the Sherman Act forbade activity aimed at monopolizing markets, but did not outlaw the common business practices of companies that held dominant market shares due simply to the absence of competitors.

The appeals court agreed with Judge Caffey that the government had failed to show that Alcoa engaged in anti-competitive behavior or charged higher prices than it should. But Judge Learned Hand, writing for the majority of the federal Court of Appeals, held that Alcoa's de facto monopoly was itself a violation of antitrust law. Alcoa, he wrote, "insists that it never excluded competitors; but we can think of no more effective exclusion than progressively to embrace each new opportunity as it opened, and to face every newcomer with new capacity already geared into a great organization, having the advantage of experience, trade connection and the elite of personnel."

One is reminded of those police officers who sometimes pull over drivers late at night for moving at *exactly* the speed limit and staying in *the middle* of their lanes, on the grounds that this kind of careful conduct may be evidence of overcompensation by a drunken driver.

Having found no evidence of specific actions that were illegal, the court could hardly remedy the situation by restricting Alcoa's ongoing business practices. Nor, since the judges recognized the firm's outstanding efficiency and service to consumers, did it seem right to break up the company. Instead, the court settled for prohibiting the company from bidding for government aluminum plants which had been built to meet World War II military needs, and which were being sold off. Those assets were subsequently sold to Reynolds Metal and Kaiser Aluminum.

In 1948, Alcoa and the federal government asked the federal District Court for New York to reconsider the 1945 decision. Alcoa sought to be relieved of the scarlet M-for-monopoly that effectively criminalized its common business practices; the government, on the other hand, wanted to force Alcoa to divest some of its holdings. The district court, under the direction of a different judge than in 1937, once again found the government's case without merit, and this time ruled that Alcoa was not a monopolist.

## A Real Monopolist

Besides *Standard Oil*, the case most touted by advocates of the Microsoft prosecution is the 1982 breakup of AT&T, which was overseen by federal judge Harold Greene. But while both cases involve information technology, there are important differences.

AT&T was indisputably a monopoly. From the beginning, the company lobbied for, and won, government protection against competition. It maintained its market share thanks partly to an array of legal prohibitions on other companies entering any part of the telephone services market, be it local or long-distance service—or even selling telephones and other equipment that could be attached to a phone line. The company's first president stated its strategy succinctly: "If there is to be state control and regulation, there should also be state protection to a corporation striving to serve the whole community...from aggressive competition which covers only that part which is profitable." Obviously, Microsoft has not called for similar protections from its competitors, nor is it today similarly protected.

Another difference: The AT&T divestiture undid acquisitions from decades before, in which AT&T had swallowed local phone operating companies. Microsoft, by contrast, has expanded primarily through internal growth. Because AT&T had capital and employees dispersed all over the United States to serve its customers, it could therefore divest itself relatively easily of the local telephone companies. These were then organized into seven "Baby Bells" to provide regional phone service. Microsoft, with its capital far more centralized and with much less need to have people "on the ground" in geographically defined areas (except for sales), would be far more adversely affected by such a legal order.

The settlement that led to the AT&T breakup also liberated the company from a 1956 antitrust consent decree that pre-

**More than half a decade after the first loud warnings about the awful world to come if Microsoft isn't stopped, the company's critics have been proven wrong at almost every turn.**

vented it from entering and competing in non-regulated businesses, such as data processing. In exchange, AT&T voluntarily acceded to divestiture. Thus, the AT&T breakup was a consensual step toward deregulating a part of the economy that had long been regulated under the public utility model. A Microsoft breakup, by contrast, would represent a major increase in the government's intervention in this part of the economy.

At any rate, the AT&T breakup has been far from a complete success. One part of the agreement created a competitor in the long-distance market, free to introduce new technologies. This seems to have been relatively successful, with AT&T moving into cable, wireless, and other data transmission arenas and competing with a variety of businesses around the globe. (Of course, AT&T doesn't always compete successfully, as demonstrated by its huge stake in the floundering cable-modem system Excite@Home, which has been teetering on the verge of bankruptcy for most of this year.)

Much of the old AT&T was left behind as the local Bell companies, which were forbidden to manufacture telephone equipment or design new telephone products. The theory was that keeping these Baby Bells from equipment manufacture and design would prevent them from using their profits from local telephone service to subsidize new businesses. Instead, the arrangement created local phone monopolies that have been slow to innovate or to let competitors into their captive markets. Lucent, the technology company formed out of the breakup, is itself mired in financial and legal troubles.

Judge Greene's supervision of the telephone companies continued from 1982 until 1996, when an exasperated Congress finally dissolved the consent decree. In the intervening period, hundreds of applications for waivers—usually by local Bell companies wanting to sell or license a new technology—sat on Judge Greene's docket for an average of four years.

Antitrust is sometimes said to be superior to formal regulation, in that antitrust does not require continuing government oversight of the company's business. But the AT&T case demonstrates that enforcement of antitrust laws can generate as much or more intervention. Like the Standard Oil case, the AT&T case reveals a pattern of government control expanding over time, first to manage prices and avoid "unhealthy" competition, then approving and disapproving of mergers and acquisitions, and ultimately ruling on whether to allow innovations in products and services.

## The Microsoft Panic

And Microsoft? If the assault on this company is to do more good than the partly successful breakup of AT&T—let alone the utterly unjustified wars on Standard Oil and Alcoa—then one would at the very least expect the suit's rationale to survive the passing of time. But it hasn't. More than half a decade after the first loud warnings about the awful world to come if Microsoft isn't stopped, the company's critics have been proven wrong at almost every turn.

In the year before the introduction of Windows 95, Microsoft announced it would start its own online service, to be called Microsoft Network (MSN). An icon for MSN would appear on the screen of every computer that shipped with Windows as an operating system; this was expected to be a huge advantage for gaining customers. At the time, Microsoft had a market share of exactly zero in the online services business. AOL promptly ran to the federal government to complain that Microsoft's plan was "anti-competitive." Technology journalist Steven Levy wrote an article in *Newsweek* warning that because of MSN, "One day, dollar bills may be replaced with Bill Dollars, and a piece of every online transaction could go through Microsoft's bulging coffers."

In *Upside* magazine, Gary Reback, Brian Arthur, and other devoted Microsoft critics wrote, "It is difficult to imagine that in an open society such as this one with multiple information sources, a single company could seize sufficient control of information transmission so as to constitute a threat to the underpinnings of free society. But such a scenario is a realistic (and perhaps probable) outcome." *Business Week* worried that Microsoft might "leverage" its operating system dominance to "corner" markets such as "networking, home software, and online services. In short, it might largely take control of the information superhighway."

Later, a group of Microsoft's competitors—Netscape, Oracle, Sun, and MCI—urged government action so that Microsoft would not "gain control of the Internet," arguing that suppressing Microsoft would "ensure the accessibility and affordability of information technology and the Internet." Netscape's Jim Clark offered a similar warning regarding Microsoft's Web browser, Internet Explorer: "If Microsoft owns the browser as well as the operating system, there will be no Yahoo!, no Infoseek, no Excite, just Bill standing at the gate, pointing out where he wants to go. Microsoft will be the one and only 'portal'." Sun's Scott McNealy fretted: "How are you going to compete if Microsoft won't put you on the Microsoft Shopping Center—which will be the opening screen of everyone's computer?"

Ohio Attorney General Betty Montgomery warned that unless Microsoft was stopped, it would turn the "information superhighway" into a "toll road." In 1997, the misnamed Council for a Competitive Electronic Marketplace warned that with Windows, Microsoft would be able to capture customers for online services for products such as insurance, banking, real estate, and local entertainment. A year later, an advocacy group called ProComp (which had been created to promote restrictions on Microsoft and is funded by Microsoft's business rivals) warned of "the very real potential that Microsoft will become virtually the sole gateway to the digital marketplace."

Similar warnings were made when Windows 98 made its debut with Channels (a soon-to-fail version of a "favorite links" list). As late as April 2000, *after* AOL announced it would choose Netscape as the AOL browser, the Department of Justice was warning that Microsoft might "add proprietary features to its Internet Explorer browser to tighten its control of the main on-ramp to the Internet for millions of consumers."

The government did not abolish MSN, nor did it suppress Channels, nor did it outlaw "bundling." While the pressure

of the antitrust case may have forced Microsoft to stop enforcing some terms in contracts with some of its business partners, and may have distracted the company's leaders from producing new and better products, those setbacks were surely minor in light of Microsoft's supposedly immense market power. Microsoft's sinister power has had years to grow since the DOJ filed its suit. So what happened?

Windows 95 made its debut with the MSN icon intact, and MSN went on to become the most expensive failure in Microsoft's history. The network's content was weak, the interface was horrible, and the installation routine was lengthy and error-prone. Meanwhile, AOL made its interface better and better, and marketed itself incessantly through free sign-up disks and by paying computer manufacturers to include an AOL icon on the Windows desktop screen.

Microsoft Network no longer exists as an online service. It has been replaced with a free Web portal, similar to the Yahoo! or Excite portals. Microsoft's Internet service provider currently serves about 5 million customers. AOL has 35 million.

The fuss over Microsoft Network shows that antitrust action was not needed to maintain competition, even though MSN was on every desktop of every Windows 95 computer. MSN was an inferior product, so it failed. The same events illustrate the power of technological change to eliminate incipient monopolies. The growth of the Internet made online services much less important than they used to be.

Despite MSN's failure, however, allowing Microsoft to compete in the market for online services produced enormous benefits for consumers. When MSN was introduced, AOL was charging $54.20 for 20 hours of use a month. MSN was priced at $19.95 for that same amount of time. Thanks in part to the competition created by MSN, AOL eventually dropped its price to between $19.95 and $24.95 for *unlimited* use, and most other online services and Internet service providers followed suit. The same story of falling prices and rising usage has been repeated in virtually every area where Microsoft's entry was predicted to reduce competition and harm consumers.

After a brisk start, Microsoft sold its much-touted Sidewalk sites, which operated as local entertainment guides. Its real estate site, HomeAdvisor.com, trails Homestore.com and is being forced, like many other e-commerce sites, to reconfigure its business strategy. The Microsoft Expedia travel site was spun off into another company, and is now owned by USA Networks, not Microsoft. Microsoft's automobile Web site is doing pretty well, but hardly has a chokehold on its market.

But the fact that Microsoft neither dominates nor even still attempts to compete in various online businesses has not stopped Chicken Littles from warning that Microsoft's new XP operating system—scheduled for release in late October—will take over digital commerce.

## Why No Monopoly?

One easy conclusion is that Microsoft's ownership of Windows and Internet Explorer is not enough to give it control of online commerce. Microsoft competes with traditional brick-and-mortar companies as well as Web sites, with other portals and online services that have millions of users, and with companies specializing in e-commerce. Even though Microsoft supplies the starting point for much Web surfing, the rest of the Net is just a click away.

More fundamentally, the idea that a Web browser could be used to control Internet content was hardly believable in the first place. One might as well believe that Sony would be able to control television programming if it sold 40 percent—or even 95 percent—of new television sets in the United States. A browser, like a television, is just a tool for reaching content. A television or a browser that interferes with access to content is, by definition, an inferior product. It is not going to have a viable economic future, much less become a market leader.

In 1997, Microsoft executive Nathan Myhrvold said the company wanted to get a "vig" (a bookie's share) of every Internet transaction that used Microsoft software. But this was unrealistic. The Internet vig was possible only in theory, not in the real world. Stanford economist Robert Hall offers the following scenario for what would happen if Microsoft made the attempt: "Yahoo! will ally with a manufacturer of cheap small computers and a national Internet service provider to produce an entire system that is Yahoo!-branded, defaults to the Yahoo! portal, but also provides access to the entire Internet with an open standard browser such as Netscape or Opera. The hardware would be cheap enough to be given

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away, like cellular phones or cable boxes, and all of the profit will be made from advertising, monthly fees, and transaction fees."

Bill Gates had hoped his company could at least make money from banks which used Microsoft software for online banking. That too failed, as banks ditched Microsoft networking software, and instead offered banking services via the World Wide Web.

What about Web servers—the computers that serve up the Internet's content to Web surfers? Could a company leverage a huge market share for its browsers into control of the market for servers? As it happens, one business tried to do precisely this. The company was Netscape, during its period of early dominance on the Web. But Netscape offered miserable support for developers and priced its product extremely high—thus creating an opportunity for Microsoft and other competitors. Today, the leading Web server software is Apache, a Unix-based program, which is free, and which is on 63 percent of servers. Microsoft's IIS is second, with 20 percent. Netscape's Enterprise has 7 percent.

Even if Microsoft achieves a high share in the server operating system market, it is likely to have little market power, because barriers to entry are low. Server software, including the operating system, carries out a limited range of functions. The software provides only the simplest user interface, which is the source of much of the complexity in full operating systems.

And what if Microsoft were the only browser company in the world? Could it then introduce a browser with Microsoft-only features and force the rest of the world to buy Microsoft server software, by making IE incompatible with every other company's Web server? An allegation to this effect was made in the spring of 2000 by the Department of Justice, although the court never heard evidence on the subject. According to the allegation, Internet Explorer included proprietary extensions of Kereboros (a security program that prevents hackers from entering a Web site) that work best with the Microsoft Web server.

The first practical obstacle to such a strategy is that the users of Internet Explorer would be cut off from any Web site that did not fall in line with Microsoft's program. This would be a major competitive defect, to say the least. Older versions of Internet Explorer and any remaining copies of other browsers on the market would still be able to gain access to those sites. An immediate market would emerge for new browsers able to reach Web sites that did not adopt Microsoft's server software. Major Web sites, particularly portals, would give away such browsers to ensure their sites could be reached. AOL, as owner of Netscape, would be in a particularly good position if Microsoft altered Internet Explorer to make it incompatible with AOL and other Web sites. Microsoft's hold on the browser market could never be strong enough to let it extract significant value from the server side, despite Microsoft's important roles in providing both a browser and server software. Individual users would not have to play a major role in opposing Microsoft. A few key Web sites—valued in the stock market at tens of billions of dollars—could do it on their own.

## Ignorant Elites

Because the Internet is still developing so rapidly, reporters and politicians are easy prey for manufactured panics. It would be much more difficult to create such a fright over a more familiar product, such as automobiles. Nobody would believe today that if General Motors opened its own chain of filling stations, GM would take over all American transportation. But on the Internet, folks who can't tell the male end of a dongle from a TCP stack are often suckers for silly claims about chokeholds.

Merely asserting that a company is a "monopolist" has allowed many of Microsoft's competitors to get a free ride from reporters and policymakers who ought to know better. For example, Jim Barksdale, then-CEO of Netscape, said this to Congress in 1998: "I was struck by the fact, in the response of Mr. Gates to the question about whether or not he was a monopoly, he talked about how short-lived the products were, and we all understand that. That doesn't negate whether or not it's a monopoly though. Even if it went away six months from now, it is a monopoly today." The hypocrisy of Barksdale's claim is astonishing—since Netscape's browser at its height held a larger market share than Microsoft ever had for Web browsers or for operating systems.

The scaremongers appear not to have suffered any loss in credibility. Steven Levy, the writer who warned that we'd all be using "Bill Dollars" by now because of the Microsoft Network, is still sharing his expertise with *Newsweek*'s readers. In June 2000 he penned a cover story advising Bill Gates to capitulate to most of the government's demands. Similarly, Sun's Chairman Scott McNealy applauded Judge Thomas Penfield Jackson's Microsoft breakup order as a tool to "protect Internet technologies from becoming the proprietary presence of any one company."

A close look at antitrust's greatest hits—the cases of Standard Oil, Alcoa, and even AT&T—reveals a pattern of arbitrary rulings, disregard for consumers, and political interference with the administration of justice. The much shorter history of the Microsoft case has exposed the same injustices, along with the series of embarrassing exaggerations and falsehoods espoused by Microsoft's critics. Where are Microsoft Network, Channels, and Sidewalk today? All have disappeared, become irrelevant, or been radically transformed by competition and changing technology. The Internet remains free and decentralized, and for good reasons: Microsoft cannot "leverage" its dominance in a few markets into control over Internet access or content. To claim otherwise might sell newsmagazines or flummox congressmen—but it is hardly realistic.

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# Free Radical

Left-wing journalist Christopher Hitchens explains why he's no longer a socialist, why moral authoritarianism is on the rise, and why he wanted Margaret Thatcher to become England's prime minister.

Interviewed by Rhys Southan

**In the roughly two decades** since British writer Christopher Hitchens arrived in the U.S., he has emerged as a singularly insightful, provocative, and impossible-to-ignore critic of American politics and culture. His regular columns for the left-wing think magazine *The Nation* and the glitzy celebrity sheet *Vanity Fair* stand out in both publications for their clarity of thought and prose. He famously served as one of the models for Peter Fallows, the memorable dissipated Brit journalist in Tom Wolfe's *Bonfire of the Vanities*. His television appearances are legendary, none perhaps more so than his contretemps with Charlton Heston during CNN's live coverage of the Gulf War. Hitchens insisted that Heston list what countries have borders with Iraq. After Heston flubbed the answer, he upbraided the journalist for "taking up valuable network time giving a high-school geography lesson." To which Hitchens replied: "Oh, keep your hairpiece on."

Though the 52-year-old Hitchens clearly enjoys mocking the famous and the powerful–he once derided the House of Windsor for "sucking off [Britain's] national tit"–he's no mere gadfly. In books such as *The Missionary Position*, *No One Left to Lie To*, and *The Trial of Henry Kissinger*, he has crafted thoughtful and provocative extended indictments of Mother Teresa, Bill Clinton, and the former secretary of state and Nobel Peace Prize winner; his recent collection, *Unacknowledged Legislation: Writers in the Public Sphere*, was reviewed in the July issue of REASON. (See "Literary Legislators.")

Hitchens' willingness to put moral principles before political alliances has earned him the wrath of ideological compatriots. When he signed an affidavit contradicting testimony by Clinton administration aide Sidney Blumenthal that the president had never circulated tales of Monica Lewinsky as a crazed stalker, Hitchens was attacked as a liar and a snitch in the pages of *The Nation* and almost ended his relationship with the magazine.

Hitchens' newest book is *Letters to a Young Contrarian: The Art of Mentoring* (Basic Books), in which he exhorts youth to remain both principled and oppositional, freethinkers in the best Enlightenment tradition. Given such thoughts, it's not surprising that Hitchens' next book will be about George Orwell. Nor is it surprising to find him increasingly interested in alternatives to orthodox left-wing thinking. A regular reader of REASON–a few years back, he wrote that he gets "more out of reading...REASON than I do out of many 'movement' journals"–Hitchens has become increasingly interested in the libertarian critique of state power and its defense of individual liberty. "I am," he says, "much more inclined to stress those issues...to see that they do possess, with a capital H and a capital I, Historical Importance."

Appropriately, Rhys Southan, REASON's Burton Gray Memorial Intern and the youngest member of our staff, interviewed Hitchens in late August.

**REASON:** How were you different as a young contrarian than you are as an older one?

**Christopher Hitchens:** The book forces me to ask that question, and yet I don't quite. I must say that I've always found the generational emphasis on the way that my youth was covered to be very annoying. There were a lot of other people born in April 1949, and I just don't feel like I have anything in common with most of them. I forget who it was who said that generation—age group, in other words—is the most debased form of solidarity. The idea of anyone who was born around that time having

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an automatic ticket to being called "a '60s person," is annoying to me. Especially membership in the specific group that I could claim to have been a part of: not just of "the '60s," but of *1968*. There's even a French term for it: *soixante-huitard*. You can now guess roughly what the political parameters were for me at the time. And you can also guess at least one of the sources of my irritation, which is that by generational analysis, Bill Clinton and I are of the same kidney and same DNA. I repudiate that with every fiber.

But I'm postponing an answer to your question. In those days, I was very much in rebellion against the state. The state had presented itself to [my fellow protestors and me], particularly through the Vietnam War, in the character of a liar and a murderer. If, at a young age, you are able to see your own government in that character, it powerfully conditions the rest of your life. I was taught very early on that the state can be, and is, a liar and a murderer. Yet I have to concede that I didn't think there was a problem *necessarily* with the state, or government, or collective power.

I had been interested in libertarian ideas when I was younger. I set aside this interest in the '60s simply because all the overwhelming political questions seemed to sideline issues of individual liberty in favor of what seemed then to be grander questions. I suppose what would make me different now is that I am much more inclined to stress those issues of individual liberty than I would have been then. And to see that they do possess, with a capital H and a capital I, Historical Importance, the very things that one thought one was looking for.

**REASON:** When did your focus change? In *Letters*, you write that you've "learned a good deal from the libertarian critique" of the idea that the individual belongs to the state and you praise a friend who taught you that "the crucial distinction between systems...was no longer ideological. The main political difference was between those who did, and those who did not, believe that the citizen could—or should—be the property of the state."

**Hitchens:** It's hard to assign a date. I threw in my lot with the left because on all manner of pressing topics—the Vietnam atrocity, nuclear weapons, racism, oligarchy—there didn't seem to be any distinctive libertarian view. I must say that this still seems to me to be the case, at least where issues of internationalism are concerned. What is the libertarian take, for example, on Bosnia or Palestine?

There's also something faintly ahistorical about the libertarian worldview. When I became a socialist it was largely the outcome of a study of history, taking sides, so to speak, in the battles over industrialism and war and empire. I can't—and this may be a limit on my own imagination or education—picture a libertarian analysis of 1848 or 1914. I look forward to further discussions on this, but for the moment I guess I'd say that libertarianism often feels like an optional philosophy for citizens in societies or cultures that are already developed or prosperous or stable. I find libertarians more worried about the over-mighty state than the unaccountable corporation. The great thing about the present state of affairs is the way it combines the worst of bureaucracy with the worst of the insurance companies.

What I did was to keep two sets of books in my mind. I was certainly interested in issues that have always interested libertarians—defining what the limits to state power are. The first political issue on which I'd ever decided to take a stand was when I was in my teens and before I'd become a socialist. It was the question of capital punishment. A large part of my outrage toward capital punishment was exactly the feeling that it was arrogating too much power to the government. It was giving life-and-death power to the state, which I didn't think it deserved, even if it could use it wisely. I was convinced it could not and did not.

In the mid-1970s, I first met someone whom I've gotten to know better since, Adam Michnik, one of the more brilliant of the Polish dissidents of the time. Michnik made the luminous remark you quoted about the citizen and his relation to the state. I remember thinking, "Well, that's a remark that's impossible to forget."

**REASON:** So, do you still consider yourself a socialist?

**Hitchens:** Brian Lamb of C-SPAN has been interviewing me on and off for about 20 years, since I'd first gone to Washington, which is roughly when his own *Washington Journal* program began. As the years went by, he formed the habit of starting every time by saying: "You haven't been on the show for a bit. Tell me, are you still a socialist?" And I would always say, "Yes, I am." I knew that he hoped that one day I would say, "No, you know what, Brian, I've seen the light, I've seen the error of my ways." And I knew that I didn't want to give him this satisfaction, even if I'd had a complete conversion experience.

The funny thing is that, recently, he stopped asking me. I don't know why. And just about at that point, I had decided that however I would have phrased the answer—I didn't want to phrase it as someone repudiating his old friends or denouncing his old associations—I no longer would have positively replied, "I am a socialist."

I don't like to deny it. But it simply ceased to come up, as a matter of fact. And in my own life there's a reason for that.

There is no longer a general socialist critique of capitalism—certainly not the sort of critique that proposes an alternative or a replacement. There just is not and one has to face the fact, and it seems to me further that it's very unlikely, though not impossible, that it will again be the case in the future. Though I don't think that the contradictions, as we used to say, of the system, are by any means all resolved.

**REASON:** Many socialists have a radically anti-authoritarian disposition, even though the policies they would enact end up being authoritarian. What causes this divide?

**Hitchens:** Karl Marx was possibly the consummate anti-statist in his original writings and believed that the state was not the solution to social problems, but the outcome of them, the forcible resolution in favor of one ruling group. He thought that if you could give a name to utopia, it was the withering away of the state. Certainly those words had a big effect on me.

The reason why people tend to forget them, or the left has a tendency to forget them in practice, has something to do with the realm of necessity. If you make your priority—let's call it the 1930s—the end of massive unemployment, which was then defined as one of the leading problems, there seemed no way to do it except by a program of public works. And, indeed, the fascist governments in Europe drew exactly the same conclusion at exactly the same time as Roosevelt did, and as, actually, the British Tories did not. But not because the Tories had a better idea of what to do about it. They actually favored unemployment as a means of disciplining the labor market.

You see what I mean: Right away, one's in an argument, and there's really nothing to do with utopia at all. And then temporary expedients become dogma very quickly—especially if they seem to work.

Then there's the question of whether or not people can be made by government to behave better. They can certainly be made to behave worse; fascism is the proof of that, and so is Stalinism. But a big experience, and this gets us a bit nearer the core of it, a very big influence on a number of people my age was the American civil rights movement, and the moral grandeur of that and also the astonishing speed and exclusiveness of its success. A lot of that did involve asking the government to condition people's behavior, at least in the sense of saying there are certain kinds of private behavior that are now not lawful. And there seemed to be every moral justification for this, and I'm not sure I wouldn't still say that there was.

But it's become too easily extended as an analogy and as a metaphor—and too unthinkingly applied. In my memory, the demand of the student radical was for the university to stop behaving as if it was my parent, in loco parentis. They pretend they're your family, which is exactly what we've come here to get away from. We don't want the dean telling us what we can smoke or who we can sleep with or what we can wear, or anything of this sort. That was a very important part of the '60s.

Now you go to campus and student activists are continuously demanding more supervision, of themselves and of others, in order to assure proper behavior and in order to ensure that nobody gets upset. I think that's the measure of what I mean.

**REASON:** Does that explain Ralph Nader's popularity among students during last year's election? He came across as a contrarian in his campaign, and became a hero to a lot of college students. You supported him, too. But he's essentially a curmudgeon with a conservative disposition who advocated lots of regulation.

**Hitchens:** If I separate in my mind what it is that people like about Ralph, I'm certain the first thing is this: There are people who support him who don't agree with him politically at all, or have no idea of what his politics are. I would be hard-put to say that I knew what his politics were, but the quality that people admired of him was certainly his probity, his integrity. It's just impossible to imagine Ralph Nader taking an under-the-table campaign donation or a kickback. Or arranging to have someone assassinated, or any of these kinds of things. That's not a small thing to say about somebody.

You're right that his approach to life is in many ways a very conservative one. He leads a very austere, rather traditional mode of life. I met him first about 20 years ago. He contacted me, in fact, as he'd admired something I'd written. We met, and the main outcome of this was a 20-year campaign on his part to get me to stop smoking. In fact, he even offered me a large-ish sum of money once if I would quit. Almost as if he were my father or my uncle. Yes, generally speaking, he is a believer in the idea that government can better people, as well as condition them. But he's not an authoritarian, somehow. The word would be *paternalist*, with the state looking after you, rather than trying to control you. But there's some of us who don't find the state, in its paternal guise, very much more attractive. In fact, it can be at its most sinister when it decides that what it's doing is for your own good.

**"Karl Marx was possibly the consummate anti-statist. He thought that if you could give a name to utopia, it was the withering away of the state. Certainly those words had a big effect on me."**

I certainly wish I wasn't a smoker and wish I could give it up. But I'm damned if I'll be treated how smokers are now being treated by not just the government, but the government ventriloquizing the majority. The majoritarian aspect makes it to me more repellent. And I must say it both startles and depresses me that an authoritarian majoritarianism of that kind can have made such great strides in America, almost unopposed. There's something essentially un-American in the idea that I could not now open a bar in San Francisco that says, "Smokers Welcome."

**REASON:** The right and the left have joined together in a war against pleasure. What caused this?

**Hitchens:** The most politically encouraging event on the horizon—which is a very bleak one politically—is the possibility of fusion or synthesis of some of the positions of what is to be called left and some of what is to be called libertarian. The critical junction could be, and in some ways already is, the War on Drugs.

The War on Drugs is an attempt by force, by the state, at mass behavior modification. Among other things, it is a denial of medical rights, and certainly a denial of all civil and political rights. It involves a collusion with the most gruesome possible allies in the Third World. It's very hard for me to say that there's an issue more important than that at the moment. It may sound like a hysterical thing to say, but I really think it's much more important than welfare policy, for example. It's self-evidently a very, very important matter. Important enough, perhaps, to create this synthesis I've been looking for, or help to do that.

**REASON:** What are the signs that political fusion between some libertarians and some leftists is happening?

**Hitchens:** One reason the War on Drugs goes on in defiance of all reason is that it has created an enormous clientele of people who in one way or another depend upon it for their careers or for their jobs. That's true of congressmen who can't really get funding for their district unless it's in some way related to anti-drug activity. There's all kinds of funding that can be smuggled through customs as anti-drug money—all the way to the vast squads of people who are paid to try to put the traffic down, and so forth. So what's impressive is how many people whose job it has been to enforce this war are coming out now and saying that it's obviously, at best, a waste of time.

The other encouraging sign is that those in the political-intellectual class who've gone public about it have tended to be on what would conventionally have been called the right. Some of them are fairly mainstream Republicans, like the governor of New Mexico. *National Review*, under the ownership of William Buckley, published a special issue devoted to exposing the fallacies and appalling consequences of the War on Drugs. I thought that should have been *The Nation* that did that. I now wouldn't care so much about the precedence in that. It wouldn't matter to me who was first any longer. I don't have any allegiances like that anymore. I don't ask what people's politics are. I ask what their principles are.

**REASON:** Has your own shift in principles changed your relationship with *The Nation*?

**Hitchens:** For a while it did. I thought at one point that I might have to resign from the magazine. That was over, in general, its defense of Bill Clinton in office, which I still think was a historic mistake made by left-liberals in this country. It completely squandered the claim of a magazine like *The Nation* to be a journal of opposition. By supporting Clinton, *The Nation* became a journal more or less of the consensus. And of the rightward moving consensus at that, because I don't think there's any way of describing Bill Clinton as an enemy of conservatism.

I'd been made aware by someone in the Clinton administration of what I thought was criminal activity. At any rate, the administration engaged in extraordinarily reprehensible activity by way of intimidating female witnesses in an important case. I decided that I would be obstructing justice if I'd kept the evidence to myself. That led to me being denounced in *The Nation* as the equivalent of a McCarthyite state invigilator, which I thought was absurd. Where I live, the White House is the government. So if one attacks it, one isn't reporting one's friends to the government, so to speak, by definition.

The controversy shows the amazing persistence of antediluvian categories and habits of thought on the left, and these were applied to me in a very mendacious and I thought rather thuggish way. I had to make an issue of it with the magazine, and I was prepared to quit. But we were able to come to an agreement. They stopped saying this about me, in other words.

But there is no such thing as a radical left anymore. *Ça n'existe pas.* The world of Gloria Steinem and Jesse Jackson, let's say, has all been, though it doesn't realize it, hopelessly compromised by selling out to Clintonism. It became, under no pressure at all, and with no excuse, and in no danger, a voluntary apologist for abuse of power.

It couldn't wait to sell out. It didn't even read the small print or ask how much or act as if it were forced under pressure to do so. I don't think they've realized how that's changed everything for them. They're not a left. They're just another self-interested faction with an attitude toward government and a hope that it can get some of its people in there. That makes it the same as everyone else—only slightly more hypocritical and slightly more self-righteous.

**REASON:** In *Letters to a Young Contrarian*, you talk about how it was libertarians—specifically Milton Friedman and Alan Greenspan—who did the most to end the draft by persuading President Nixon's special commission on the matter that mandatory military service represented a form of slavery. Is it the contrarians from unexpected ranks that enact real change?

**Hitchens:** Absolutely. Mr. Greenspan and Mr. Friedman used my mantra correctly by saying the draft would make the citizen the property of the state. To argue against them, however, I'll quote someone whom neither of them particularly likes, but whom I think they both respect. John Maynard Keynes said somewhere—I think in *Essays in Persuasion*—that many revolutions are begun by conservatives because these are people who tried to make the existing system work and they know why it does not. Which is quite a profound insight. It used to be known in Marx's terms as revolution from above.

It would indeed come from enlightened and often self-interested members of the old regime who perfectly well knew that the assurances being given to the ruler were false. That the system didn't know what was going on or how to provide for itself, but couldn't bear to acknowledge that fact and had no means for self-correction. That is indeed how revolutions often begin.

**REASON:** What do you think about the anti-globalization movement? Is it contrarian or radical in your sense?

**Hitchens:** There was a long lapse where it seemed that

nobody took to the streets at all, and where the idea of taking to the streets had begun to seem like something really from a bygone era. It came back very suddenly, initially in Seattle. In some kind of promethean way, the idea was passed on and contained, perhaps like fire in a reed, only to break out again.

In a way I should have been pleased to see that, and I suppose in some small way I was, but a lot of this did seem to me to be a protest against modernity, and to have a very conservative twinge, in the sense of being reactionary. It's often forgotten that the Port Huron Statement, the famous Students for a Democratic Society document, was in part a protest against mechanization, against bigness, against scale, against industrialization, against the hugeness and impersonality of, as it thought of it, capitalism. There were elements of that that I agreed with at the time, particularly the interface between the military and the industrial [segments of society].

I do remember thinking that it had a sort of archaic character to it, exactly the kind of thing that Marx attacked, in fact, in the early critiques of capitalism. What SDS seemed to want was a sort of organic, more rural-based, traditional society, which probably wouldn't be a good thing if you could have it. But you can't, so it's foolish to demand such a thing. This tendency has come out as the leading one in what I can see of the anti-globalization protesters. I hear the word *globalization* and it sounds to me like a very good idea. I like the sound of it. It sounds innovative and internationalist.

To many people it's a word of almost diabolic significance—as if there could be a non-global response to something.

**REASON:** This anti-global approach seems especially surprising coming from the left.

**Hitchens:** The Seattle protesters, I suppose you could say, in some ways came from the left. You couldn't say they came from the right, although a hysterical aversion to world government and internationalism is a very, very American nativist right-wing mentality. It's the sort that is out of fashion now but believe me, if you go on radio stations to talk about Henry Kissinger, as I have recently, you can find it. There are people who don't care about Kissinger massacring people in East Timor, or overthrowing democracy in Chile, or anything of that sort. But they do believe he's a tool of David Rockefeller, and the Trilateral Commission, and the secret world government. That used to be a big deal in California in the '50s and '60s with the John Birch Society.

There are elements of that kind of thing to be found in the anti-globalization protests, but the sad thing is that practically everything I've just said wouldn't even be understood by most of the people who attend the current protests, because they wouldn't get the references.

**REASON:** You've called yourself a socialist living in a time when capitalism is more revolutionary.

**Hitchens:** I said this quite recently. I'm glad you noticed it. Most of the readers of *The Nation* seemed not to have noticed it. That was the first time I'd decided it was time I shared my hand. I forget whether I said I was an ex-socialist, or recovering Marxist, or whatever, but that would have been provisional or stylistic. The thing I've often tried to point out to people from the early days of the Thatcher revolution in Britain was that the political consensus had been broken, and from the right. The revolutionary, radical forces in British life were being led by the conservatives. That was something that almost nobody, with the very slight exception of myself, had foreseen.

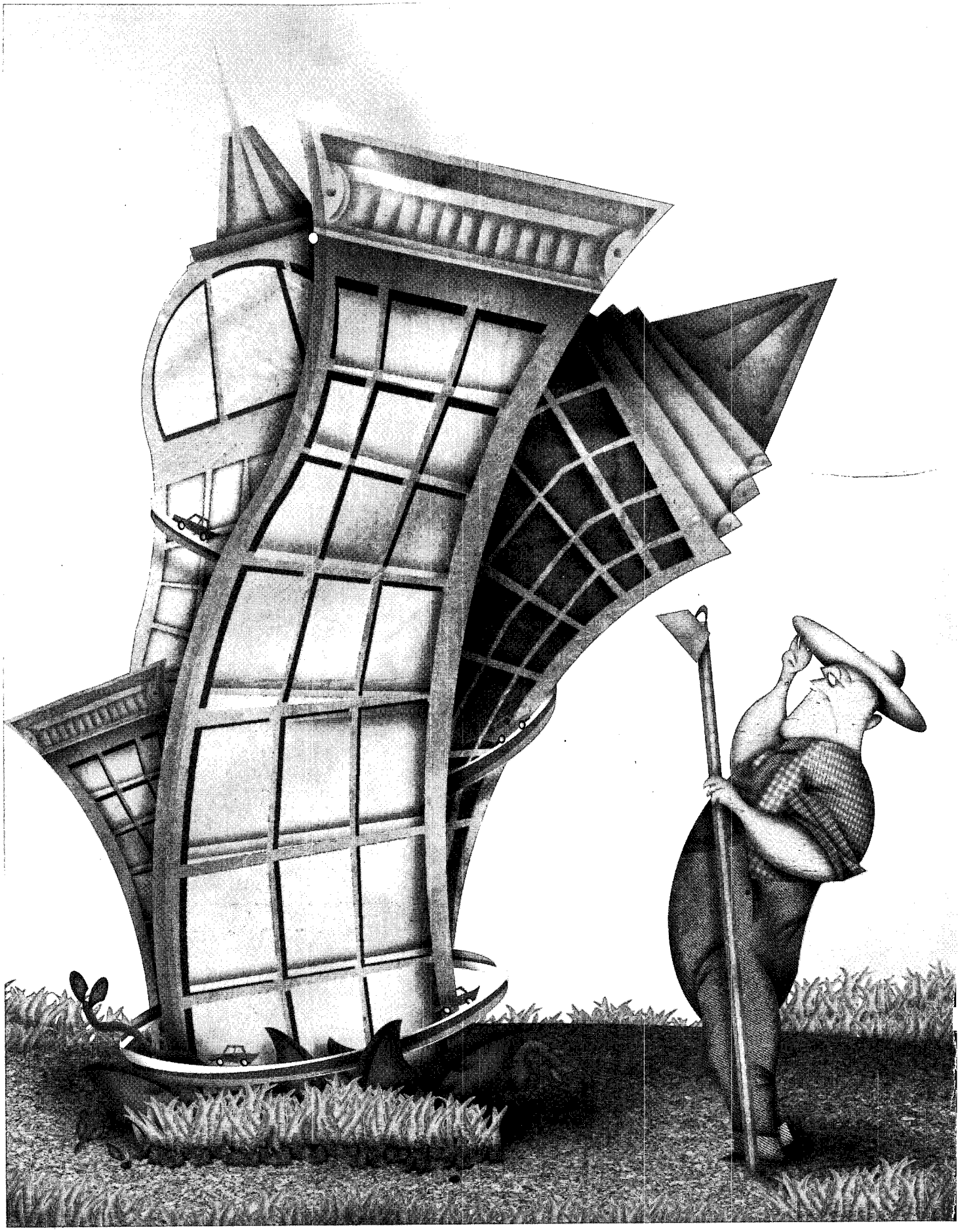
I'd realized in 1979, the year she won, that though I was a member of the Labour Party, I wasn't going to vote for it. I couldn't bring myself to vote conservative. That's purely visceral. It was nothing to do with my mind, really. I just couldn't physically do it. I'll never get over that, but that's my private problem.

But I did realize that by subtracting my vote from the Labour Party, I was effectively voting for Thatcher to win. That's how I discovered that that's what I secretly hoped would happen. And I'm very glad I did. I wouldn't have been able to say the same about Reagan, I must say. But I don't think he had her intellectual or moral courage. This would be a very long discussion. You wouldn't conceivably be able to get it into a REASON interview.

**"By subtracting my vote from the Labour Party, I was effectively voting for Thatcher to win. That's how I discovered that that's what I secretly hoped would happen. And I'm very glad I did."**

Marx's original insight about capitalism was that it was the most revolutionary and creative force ever to appear in human history. And though it brought with it enormous attendant dangers, [the revolutionary nature] was the first thing to recognize about it. That is actually what the *Manifesto* is all about. As far as I know, no better summary of the beauty of capital has ever been written. You sort of know it's true, and yet it can't be, because it doesn't compute in the way we're taught to think. Any more than it computes, for example, that Marx and Engels thought that America was the great country of freedom and revolution and Russia was the great country of tyranny and backwardness.

But that's exactly what they did think, and you can still astonish people at dinner parties by saying that. To me it's as true as knowing my own middle name. Imagine what it is to live in a culture where people's first instinct when you say it is to laugh. Or to look bewildered. But that's the nearest I've come to stating not just what I believe, but everything I ever have believed, all in one girth.



# Ground Zero in Urban Decline

## Cincinnati isn't just a town down on its luck. It's the future of the American city.

**By Sam Staley**

**Welcome to ground zero** in inner-city decline: the Over-the-Rhine district in Cincinnati, Ohio. This is the neighborhood, settled a couple hundred years ago and named for the predominantly German immigrants who once populated it, that was at the center of America's most recent spasm of social turmoil. In April, after police shot an unarmed black man, hundreds of Cincinnati residents took to the streets to protest entrenched racism and economic inequities. Cincinnati—once renowned as the Queen City of the Ohio River, once dubbed "Porkopolis" for its dominance in pig processing, once famous as the home of baseball's legendary Big Red Machine—is now known for civil disorder and a sagging population. The 2000 Census underscores that Cincinnati's glory days were somewhere in the past: During the 1990s, the city lost over 30,000 residents, or about 9 percent of its population.

Any prospects for revival in this Midwestern city were dealt a staggering setback by images of smoldering fires in the streets, angry men hurling bricks through storefront windows, and shop owners holding vigil over their property with shotguns. In less than a week, more than 600 people were arrested for disorderly conduct, vandalism, and assault. Urban decay—vacant buildings, declining population, few jobs—provided the tinderbox for the riots that thrust this famously staid city into the national headlines.

If the nation was shocked—this was a town known for its conservatism, restraint, and bedrock Midwestern values—so were Cincinnati's city leaders. Prior to the riots, the business community had been cultivating the city's reputation as a bastion of middle-class values and the German work ethic, regardless of the current residents' cultural heritages. The unrest provided a dramatic counterpoint to other recent development efforts. Earlier this year, in a bid to win the 2012 Summer Olympic Games, local activists and leaders put together an 800-page document touting Cincinnati's competitive advantages. In 1996, voters in Hamilton County, of which Cincinnati is a part, approved a sales tax increase to underwrite the construction of two new professional sports stadiums—a baseball-only stadium for the Reds (the nation's oldest professional baseball team) and a separate football facility for the Bengals. The city and county have also invested substantial public funds in redirecting Fort Washington Way, a freeway providing easy access to downtown from the outer edge of the metropolitan area.

All told, those recent investments in downtown and riverfront improvements have cost Hamilton County residents close to $1 billion, and that's not counting the interest on bonds. The city lists 34 projects on its downtown development plan; if everything on that wish list gets built, the total price tag would be something like $4 billion. And yet Cincinnati has little to show for the effort, other than some white-elephant public works projects and the wreckage—physical and emotional—from this spring's riots. "The problems of the city," notes city councilman Phil Heimlich, "are not so much that white and black people don't get along; it's that white and black people don't stick around. I think the most important fact is that the city has lost almost 10 percent of its population over the last 10 years."

Cincinnati is a very specific place: Well-known for its steep hills and riverfront location, it has been built into its landscape in a singular and striking way (Winston Churchill once called it "America's most beautiful inland city"). Yet Cincinnati is also a very generic place in today's America. It's a city smack dab in the middle of a long, slow decline—not just in population but in prospects for the future. Its story—a sad one, though not without some measure of hope—is one that is being played out in urban centers throughout the country. The reasons for Cincinnati's decline and the misguided attempts to reverse it are all too representative of what's happening throughout the U.S. today. For good and ill, what's happening in Cincinnati may well be coming to a city near you. If, in fact, it's not already there.

In 2001, the Fannie Mae Foundation studied three dozen of the nation's largest cities and found that most have been losing population since the 1970s. While some cities gained population during the '90s—including such long-bleeding cosmopolises as New York and Chicago—more lost ground: Cincinnati, Cleveland, Milwaukee, Rochester, Syracuse, Toledo, Baltimore, Buffalo, Detroit, Philadelphia, St. Louis, and the District of Columbia, among others, continued long traditions of population decline.

A closer look inside Cincinnati's city limits reveals a more troubling trend: Only three of its 48 neighborhoods added people between 1990 and 2000. One of those neighbor-

CLAY SISK

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hoods—Queensgate—only grew because the city built a new jail. Twenty-six neighborhoods lost more than 10 percent of their population. The Over-the-Rhine area saw its population shrink from 9,572 people to 7,638.

## A Long Line of Spenders

Cincinnati's recent orgy of high-profile, publicly funded projects is hardly its first. At the turn of the 19th century, public works projects served mainly to line the pockets of political boss George B. Cox's friends, earning Cincinnati the reputation of a corrupt frontier burg. The excesses of corrupt city bosses helped inspire a series of reform groups, including the Taxpayers' League, in 1880. By the early 20th century, the same sort of public works projects were carried out in the name of social welfare—whether the project in question entailed constructing a 15-mile commuter rail and subway system or taking over the local utilities. Despite its public profligacy, Cincinnati ranked among the nation's largest cities at the turn of the 19th century—a gateway to the West and a thriving commercial center sustained by the Ohio River and the Miami-Erie canal. The city quickly became a center for industry, hosting the nation's largest concentration of factories making soap, cleaners, shortening, candles, oils, and chemicals. The legacy is symbolically embodied in the twin towers of Procter & Gamble's world headquarters in the heart of the city's downtown. Pork processing and beer brewing rounded out the list of major industries.

The city's German history reaches back nearly two centuries. An ethnic German was elected its first mayor in 1802, and by the 1840s, the city was printing bilingual ordinances. By the mid-19th century, one-fifth of Cincinnati's population spoke German, and Germans are largely credited with the expansion of savings and loans, called "bauvereins," that created a foundation of homeownership among the middle and working classes. Even in the mid-20th century, high-rise apartment buildings were scarce, an architectural legacy that benefits even the poorest neighborhoods, including Over-the-Rhine.

In the wake of the riots, city leaders created a task force—Cincinnati Can—and charged it with developing recommendations to address the simmering problems of urban decline. The effort is strikingly similar to Rebuild LA, the largely ineffective effort to revitalize South Central Los Angeles after its riots in 1992. Whether Cincinnati Can actually does anything to revitalize the city, this much seems certain: It will provide cover for dozens of other projects that elected officials and prominent business leaders have trumpeted in recent years to stimulate the city. For instance, city leaders are pushing hard to expand the money-losing, municipally owned and operated Dr. Albert A. Sabin Convention Center. The proposal would double the size of the current convention center to more than 600,000 square feet.

Citizens for Civic Renewal, a nonprofit local urban reform organization, commissioned "regional government" guru Myron Orfield to do a study of the region. Orfield, an elected representative in the Minnesota state legislature, is best known for *Metropolitics*, an influential 1997 book published by the Brookings Institution that argued that declining inner suburbs were as much a victim of sprawl as central cities. Orfield's preliminary report, released earlier this year, highlighted growing inequalities among the city, its inner suburbs, and the growing outer suburbs, and called for regional planning to minimize them.

If his past is any prologue, Orfield's final report, to be released later this year, will call for more regional government and revenue-sharing to redistribute income from relatively wealthy neighborhoods (and suburbs) to relatively poor inner-city neighborhoods (and suburbs). A multibillion-dollar light-rail project has also been proposed by the Ohio-Kentucky-Indiana council of governments (OKI), an organization that includes 105 representatives of government, business, social, and civic groups in an eight-county region. Proponents argue that the rail system will do just about everything—reduce regional congestion, promote economic development, revitalize inner-city neighborhoods, and constrain sprawl.

## The Actual Effects

What seems to be missing in the mess of publicly financed projects is any rational—let alone balanced—debate on whether such endeavors have *any* positive effects, much less the pie-in-the-sky results proponents routinely claim. Sports stadiums have emerged as a classic case in point. "Adding professional sports teams and stadiums to a city's economy does not increase aggregate spending for the city," wrote Lake Forest College economist Robert Baade, a leading expert on the subject, in a 1996 study. In fact, according to Baade's research, adding teams "appears to realign leisure spending rather than adding to it and is, therefore, neutral

with regard to job creation." Baade's conclusions are based on his analysis of economic growth in 48 cities between 1958 and 1987, some with and others without new professional sports stadiums. Other analysts go even further, arguing that public investment in a sports stadium might *reduce* economic growth by siphoning money away from other important projects, such as road improvements, or from lowering taxes.

Clemson political scientist David Swindell echoes Baade's concerns. Swindell has studied the general economic and neighborhood impacts of minor and major league professional sports stadiums in places as varied as Indianapolis; Fort Wayne, Indiana; Arlington, Texas; and Cincinnati. He stresses that stadiums and convention centers have a "marginal impact" and "might even be negative"; he has seen "no evidence to support subsidies for private companies" in this way.

"Part of the problem," says one frustrated elected official in Cincinnati who requested anonymity, is that "people in this city look around and ask what [nearby] Indianapolis has done and they want to do that better." There's no question that Indianapolis, just a couple of hours northwest of Cincinnati, has grown in a major way, adding more than 40,000 people to its population between 1990 and 2000. Although Indianapolis is more than four times larger than Cincinnati (362 square miles vs. 78 for Cincinnati), Cincinnatians still compare the cities since their respective metropolitan areas are about the same size: 1.5 million people. Between 1974 and 1992, the period of the most intense investment in its downtown, Indianapolis funneled $2.76 billion into various development projects, most of which were centered on sports.

The civic leaders who cite these cases fail to check the peer-reviewed academic research that shows that Indianapolis' downtown development has largely failed. One of the most extensive studies of Indianapolis comes from Clemson's Swindell, Indiana University political scientists Michael Przybylski and Daniel Mullins, and Mark Rosentraub, author of *Major League Losers* and director of Indiana University's Center for Urban Policy and the Environment. Published in the *Journal of Urban Affairs* in 1994, the study found that such investments in Indianapolis increased sports-related employment by 60 percent. But since these jobs accounted for just 0.32 percent of all jobs in the Indianapolis economy, the overall effect on economic development was negligible.

"Indianapolis' focus on its downtown area and sports as a development strategy was associated with a general trend of increased employment and economic growth," conclude the authors. "However, Indianapolis' strategy did not result in more growth than was experienced by other Midwestern communities and did not lead to a concentration of higher paying jobs in the region." In short, Indianapolis' growth was the result of larger regional economic trends and the expansion of existing businesses, including a dramatic increase in Indiana University–Purdue University's employment base from 3,000 full-time faculty and staff to 8,200. Moreover, although the city's raw population grew from 1990 to 2000, its share of the region's population fell from 52.9 percent to 48.8 percent.

And even if public-sector investments did fuel job growth downtown, nearby neighborhoods would still be unlikely to see benefits. Consider Cleveland, the notorious Rust Belt city that pumped millions of public dollars into revitalizing its downtown during the 1980s. The value of commercial properties downtown doubled in value during that decade, but commercial property values outside the downtown fell by 4 percent overall.

Ironically, while local leaders look to other cities for new programs and projects, few look to those cities whose citizens have rejected such measures. Just two hours up I-71 from Cincinnati, voters in Columbus, Ohio, turned down a 1997 measure to publicly finance a new soccer stadium and a new hockey arena. Both facilities were eventually built anyway—with mostly private money—and both now house professional sports teams, despite predictions that public funding would be crucial to land the franchises.

## Studies by the Pound

Cincinnati's emphasis on large, visible downtown development projects is in part a reflection of the "expert" advice proffered by consultants who have "studied" their "feasibility" and "economic benefits." In the case of the city's convention center, consultants concluded that Cincy needed a bigger (and more expensive) facility to compete with other cities. More recently, OKI released the results of its study from a national consulting firm "quantifying" the benefits of the first leg of the proposed multibillion dollar rail system, a light-rail trolley line extending from Northern Kentucky through the downtown of Cincinnati and up to its northern suburbs.

The studies seem endless at times, and the intent of most is transparent. One, written by Vanderbilt management professor Richard W. Oliver, purported to show the economic benefits of having the NHL Predators in Nashville. It was titled: *They Shoot! They Score! NHL Nashville Predators Score Winning Goal for Middle Tennessee!* Convention center expansions fit the same mold. "The rhetoric of convention center investment is drawn from 'feasibility studies' often developed by a national accounting or economic research firm," explains Heywood Sanders, a professor of political science at the University of Texas at San Antonio. Sanders has researched convention centers and their economic impacts for almost two decades, reviewing dozens of feasibility studies and writing numerous professional articles and reports, including a highly regarded 1998 article in the policy journal *The Public Interest.* "These studies lay out an invariably positive market analysis, justifying more local convention space and lending visible, supposedly objective support to political pressures to spend more public money for convention centers."

The studies are little more than marketing tools for chambers of commerce pushing one project or another; despite

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popular local support, big and small cities across the nation are littered with failed economic development projects, almost all dramatically oversold by their proponents. What's too often missing is the bottom line.

In a study last year written for the Boston-based Pioneer Institute, a market-oriented think tank focusing on Massachusetts policy issues, Sanders documents the shrinking market for conventions, a harsh reality that is rarely acknowledged by gung-ho city big wigs and their consultants. Most forecasts during the 1990s for trade shows and conventions were "unreasonable and unreliable," Sanders writes. Total event counts declined from 1998 to 2001, and average tradeshow attendance dropped by more than 24 percent. Large, money-making conventions are gravitating toward a select few locations—Atlanta, Orlando, Las Vegas, Chicago, and New York. Other traditional destination spots, such as Boston, haven't fared well, with events there slipping from 71 in 1996 to just 63 in 2001. Even large, vibrant, expanding metropolitan areas such as Houston or Dallas don't have what it takes to be competitive in the current convention market.

Along with stadiums and convention centers, consultants tout light-rail transit projects with reports that project fantastic benefits. Untold in these "studies" is the fact that the benefits are the product of computer models and have never been achieved in the real world. For example, in 1978, planners in Portland, Oregon, forecast that by 1990 the city's light-rail ridership would be 42,500. In reality, it was half that. In Sacramento, light-rail ridership was initially projected to be 50,000 on an average weekday. By 1998, average weekday boardings were 28,000 (slightly higher than a revised projection made once local officials had committed to the project). Studies typically highlight the congestion-relief benefits of rail transit, even as transportation planners refuse to argue that these benefits exist. Indeed, in his 1998 survey of rail transit investments built since 1980, Jonathan Richmond of Harvard's Taubman Center for Local Government concluded that none had appreciably reduced congestion in cities.

Nevertheless, OKI is pushing a 117-mile system of seven rail lines criss-crossing Cincinnati. The twin goals: to bring people back into the city and reduce road congestion. A 1998 estimate by OKI pegged the cost of the entire system at $1.8 billion. A single line running from Northern Kentucky through downtown Cincinnati to suburban Blue Ash might cost close to $900 million. And that's a conservative estimate: Large public investments are notorious for coming in over budget. A light-rail system being built in Jersey City, New Jersey, was supposed to cost $1 billion, but costs have exceeded the early estimates with just two-thirds of the track laid.

## Real Development

This isn't the first time Cincinnati and Hamilton County have dabbled in rail—or been taken to the cleaners while doing so. In 1912, reformist mayor Henry Hunt proposed a 15-mile rapid rail transit system; ironically, he thought it would help relieve congestion in the inner city by letting people live farther apart from one another. By 1920, private contractors were digging tunnels in the drained Miami-Erie Canal bed. The project was abandoned in 1927, after the costs ramped up well beyond original estimates and the rampant corruption became public. The entrances to buried subway stations and rail lines are still visible for those who know where to look.

In the 1920s, when the reform-minded Charter Party was voted into office, Cincinnati became the first major city to adopt a comprehensive plan. "In this concept," notes Ohio State University professor Laurence Gerckens, one of the nation's leading authorities on the history of American planning, "legal control of community development is used as a tool for, and is subservient to, the realization of a set of long-range comprehensive community goals." Later, the city developed a freeway (the recently realigned Fort Washington Way) that was explicitly designed to bring people in from the edges of the city and dump them into the downtown.

Cincinnatians took this approach to heart. Throughout the 20th century, city leaders took on one scheme after another using public money. Urban renewal and federal dollars helped pave over and renovate the Union Terminal railroad station on the West Side of town in the 1970s. Cincinnati also poured millions into the perennially troubled convention center in the 1960s, giant Riverfront Stadium in the 1970s, and the Fountain Square and Fountain Square West developments in the 1980s. The '90s, of course, brought stadiums for the Reds and the Bengals.

It's tempting to blame such projects on the "edifice complex," well-known among elected officials who want to leave their mark on a landscape. But such projects aren't simply the brainchild of elected officials or faceless bureaucrats. The business community consistently provides very visible sup-

port. With corporate giants such as Procter & Gamble and Chiquita Banana headquartered downtown, the Cincinnati business community flexes its muscle for public largess, especially in the core city. "Cincinnati is one of the clearest cases of the 'Downtown will save us' approach," says one outside observer still advising local officials. "In any other context, the business community would be talking about the virtues of unfettered free markets. When it comes to protecting 'their' investments in the core city, they are unified in their belief the public sector should pay for it—anything goes."

Such efforts are not only ineffective and wasteful. They stand in stark contrast to the bottom-up economic development efforts that pop up in neighborhood after neighborhood, often right under the noses of local development officials. One of the most dramatic examples is "Toy Town" near downtown Los Angeles. As city leaders were throwing around millions of dollars in post-riot Los Angeles through the high-profile but ineffective Rebuild LA, Charlie Woo was taking advantage of a market opportunity. Mr. Woo, a Hong Kong–born former graduate student in physics at UCLA, realized the depressed downtown real-estate market allowed him buy or lease old warehouse space for $1 or $2 per square foot. He used those bargain-basement prices to get a foothold in the toy manufacturing and distribution industry. Over the ensuing decade, more and more toy distributors, manufacturers, and retailers took advantage of the accessible and affordable location, building the area into an economic juggernaut employing 5,000 people and generating half a billion dollars in sales annually. City officials were completely unaware of Toy Town until its presence was simply too large to ignore any longer. (See "Movers & Shakers," December 2000.)

So there's always hope for down-on-their-heels urban areas. Indeed, even in Cincinnati, spontaneous economic development is happening right under the noses of local officials despite apparent "neglect" by the well-heeled big-business sector. About 80 technology-focused companies have located along a 10-block stretch of Main Street in Over-the-Rhine, making up what has become known as the "Digital Rhine" (digitalrhine.com). To some extent, the tech district is the product of Main Street Ventures, a private development company that owns five buildings and provides space to 13 businesses.

## The Digital Rhine

Created in 1999, Main Street Ventures is a private effort to promote tech companies in the Digital Rhine. It is also a response to a market trend in Cincinnati. Tech businesses were sprouting up all across the region, but a few local leaders thought that concentrating the budding industry in one area would give it the synergies necessary to grow. By attracting similar businesses to the Digital Rhine, investors also felt they could get more attention from venture capitalists, banks, consultants, and technology providers. Main Street Ventures grabbed the attention of some tech-sector heavy hitters: Taft, Stettinius & Hollister, Procter & Gamble, Oracle, Whittman-Hart, Compaq, Microsoft, Broadwing, Lucent, Deloitte & Touche, Fifth Third Bank, and the Greater Cincinnati Chamber of Commerce all provided substantial resources that allowed it to expand its services.

Why is this happening in Over-the-Rhine, one of the poorest neighborhoods in the city? Access to technology is one factor. Cincinnati Bell, the local telephone utility, laid fiber optic cables here and, based on proximity, it was the easiest, least costly access point.

But location isn't the whole story. The district also has a key amenity in abundance: historic architecture, with many buildings dating to the 1840s and 1860s. As urban renewal was bulldozing other parts of the city, the Over-the-Rhine district maintained its architectural integrity. Rents were also affordable, typically half the going rate in other parts of the city. Artists, bars, and restaurants had pioneered a commercial foothold on the first floors of many buildings. Main Street Ventures leased a floor in a building and advertised for resident companies. In 1991, the first two—Planet-Feedback, an on-line consumer empowerment firm, and ConnectMail, an electronic video messaging company—moved in.

The spontaneous establishment of a commercial district in a hot new market, however, didn't prompt a flood of public money and support from city council. Which isn't to say that the city council completely neglected the fledgling commercial center. "The city has done a super job with infrastructure improvements," notes George Molinsky, an attorney with Taft, Stettinius & Hollister who is widely credited with spearheading revitalization efforts in the district. The city has invested in new sidewalks, stepped up policing, buried wiring, provided decorative lighting, and created a façade program to spiff up several neglected buildings. "This helped create an environment conducive to additional investment by the private sector," notes Molinsky.

But in terms of public outlays, that's about it. While the Digital Rhine continues to get vocal and productive support from several city council members and local pols, the city has largely taken a hands-off approach, letting the private sector lead the way.

What of the riots? They were, after all, in Over-the-Rhine, though not in the high-tech end of the neighborhood. But Los Angeles has shown that riots do not have to be a death knell for neighborhoods. South Central's population climbed to almost 1 million in the 1990s. Almost 3,000 manufacturers are still located there, employing 80,000 people.

Similarly, the early signs after the Cincinnati riots are positive in the Digital Rhine. No companies left because of the unrest, and several have actually moved in. As long as the city provides the sort of minimal infrastructure it has in the past, there's no reason the Digital Rhine—and other entrepreneurial zones—can't flourish.

Yet cities such as Cincinnati make such development more difficult by continuing to focus on white elephants rather than the basic reforms that can help generate a broad economic base. Developers complain that many building in-

**The larger lesson for Cincinnati and other cities is to look beyond a single magic bullet—the one major project or set of projects that true believers think will pull a city into great times.**

spectors are too narrowly focused on minimizing any risk when they should be letting the market innovate and diversify. Inspectors are focused on the narrowest interpretation of the law, and many rulings are arbitrary. Many developers in Cincinnati think of this as the cost of doing business, but it makes those areas less competitive than their suburban counterparts. Red tape shouldn't be considered simply another cost.

The city requires six complete documents to get a permit, and another week to process the permit once the documents are signed. On top of that, Hamilton County requires up to an additional two weeks. Obtaining a building permit takes only two days in nearby Clarmont County. Warren County, north of Cincinnati, requires one week. Developers expect four to six weeks in the city of Cincinnati. Builders also complain of not being able to find employees to start the permit application process in the city's Department of Public Works. Building standards sometimes double the costs of laying infrastructure on properties. "As a result," notes one large homebuilder, "we have made the decision to substantially limit our building in the city to projects that are financially feasible. Unfortunately, a project in the city rarely qualifies as being financially feasible. It simply isn't worth it for us."

Housing activists have also effectively created a moratorium on new construction in Over-the-Rhine. How? By passing ordinances that require developers to pony up the equivalent of $4 per square foot for low-income housing if they want to tear down an existing house. The unintended consequence is "demolition by neglect"—property owners let their properties deteriorate to the point where inspectors have to condemn the building, allowing them to circumvent the ordinance, tear down the building, and develop the property.

## No Magic Bullets

Still, some key players are trying to improve the overall business climate and move away from the big-spending, big-ticket items that have historically plagued Cincinnati's development strategy. City Council member Pat DeWine pushed through legislation that eliminated entire classes of permits for minor repairs and renovations to homes. A bigger change, however, may come when the city reforms its 38-year-old zoning code. The city did little to overhaul the code before a comprehensive review process began in 2000. The goal, says Steven Kurtz, a planner in the city's land-use management division since 1991, is to create more certainty in the process by simplifying zoning and development review. Kurtz notes that the revised code should reduce the number of zoning districts, streamline the public hearing process, and allow more varied and mixed uses. Planners hope to send a draft ordinance to the planning commission by the end of the year. These are small steps, to be sure, but important ones.

The larger lesson for Cincinnati and other cities is to look beyond a single magic bullet—the one major project or set of projects that true believers think will pull a city into great times. "I tell folks in Cincinnati the same thing I tell them in other medium-sized cities," says convention center expert Sanders. "You are pursuing a strategy that is essentially imitative; at the same time you're discussing expanding your convention center, so are all other cities."

David Swindell, the Clemson political scientist, reinforces the point. "Many politicians know full well that there are no magic bullets, but getting a new neighborhood grocery store is not front page news, and it takes a lot of work to create a climate so that one will locate in a given area." In the meantime, warns Swindell, politicians chase white elephants in their downtowns. The result is that a "lot of needs go unmet—streets are slow to be paved. More attention needs to be paid to the neighborhoods because they are important to providing a quality of life that can attract people to the inner city."

The best advice for urban renewal might come from the people actually investing in the Digital Rhine. "Do an exceptional job when it comes to the basic issues that cities are responsible for, such as infrastructure," says Molinsky. "Tax incentives are nice," he continues, but entrepreneurially minded people really want to live and work in neighborhoods that are "clean, safe, affordable, interesting, and eclectic, with valuable amenities."

Whether Cincinnati and other cities can learn this lesson is not clear. But their futures are riding on it.

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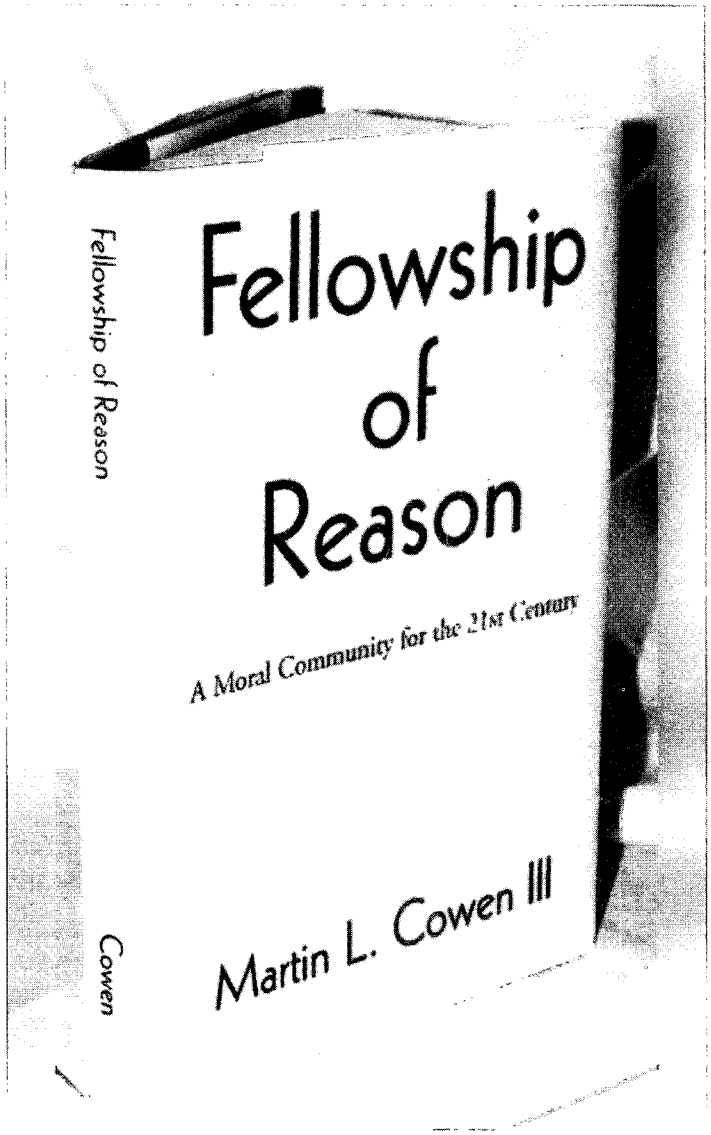


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# The Free-Floating Bob Dylan

## The wonderfully inauthentic art of America's most vital singer-songwriter

By Brian Doherty

Bob Dylan turned 60 in May, and his first album of new material in four years, *"Love and Theft"*, came out in September. Those events, along with the recent release of the biographies *Down the Highway* and *Positively 4th Street*, have occasioned the most recent wave of ink spilled on the former Mr. Robert Zimmerman of Hibbing, Minnesota. His position in America's cultural landscape seems as rock-solid and over-large as Mt. Rushmore: He is widely acknowledged as the greatest songwriter of his generation, a man who irrevocably changed the popular song, a successful singer who is the constant butt of (undeserved) jokes about guys who just can't carry a tune.

Too much Dylan commentary gets trapped in Significance—in documenting his importance in terms of his "influence," as if his worth is to be measured in the careers of Roger McGuinn, Barry McGuire, the Band, and a plethora of singer-songwriters with virtues widely understood as "Dylanesque." That is, a way with a colorful phrase, a "social conscience," or an unusual singing style.

Dylan has certainly been influential, and not always for the best. His seemingly effortless brilliance has a don't-try-this-at-home quality that has escaped emulators both great and small. Indeed, the more closely someone tries to ape Dylan, the more likely he or she is to sound ridiculous. (As Barry McGuire famously, ludicrously sang in the Dylan-inflected '60s hit, "Eve of Destruction," "Think of all the hate there is in red China/Then take a look around at Selma, Alabama.../Blood so hot, feels like coagulatin'/Handful of senators won't pass legislation.") The same held true for Dylan himself: The less he directly emulated early influence Woody Guthrie or Guthrie manqués such as Ramblin' Jack Elliott, the better he became.

PHOTO: BETTMAN / CORBIS

What makes Dylan worth our continuing attention is not that he has clearly influenced other major artists, or that he "invented" folk rock, was the voice of his generation, ended the Vietnam War, moved to Woodstock, sang with Joan Baez, turned the Beatles onto pot, merged the Beats with a beat, or made the world safe for Loudon Wainwright III (and every other would-be "new Dylan"). What makes Dylan worth thinking about is that he has been—and remains—unprecedentedly great at what he does: writing songs and performing them.

**Down the Highway: The Life of Bob Dylan, by Howard Sounes, New York: Grove Press, 527 pages, $27.50**

**Positively 4th Street: The Lives and Times of Joan Baez, Bob Dylan, Mimi Baez Fariña and Richard Fariña, by David Hajdu, New York: Farrar Straus and Giroux, 328 pages, $25**

Over a career that spans five decades, Dylan has written a huge body of wonderful songs with rich, fresh language, a vast emotional range, and an appreciation for and understanding of the totality of human experience. He has blended these with exhilarating melodies and musical backings. He has been absurd, tender, vengeful, smart, sexy, foolish, mystic, pious, nostalgic, journalistic, and phantasmagorical. He's a master of love songs (from "I Want You" to "Precious Angel"), word-drunk ramblings (from "Desolation Row" to "Idiot Wind"), and hymn-like anthems that sound ancient and necessary right out of the box (from "I Shall Be Released" to "Knockin' on Heaven's Door"). It seems likely that Dylan will be providing insight and pleasure to listeners for as long as digital storage media last.

Yet one thing Dylan has never been is "authentic," the prime value of the late '50s and early '60s folk-music milieu from which he arose. Both *Down the Highway* and *Positively 4th Street* provide valuable insight into how Bob Dylan violated the codes of his folk-scene background, which restricted performers to politically and culturally imposed limits thought to be more "real" than the "plastic" American culture exemplified not only by Eisenhower's America but by then-burgeoning rock 'n' roll. Dylan became the most successful product of the folk movement precisely by daring to be more than what its repressive version of identity politics allowed. Every step of the way, his career throws into question the usefulness of politicized restrictions on freewheeling cultural production and identity formation. Though it is rarely acknowledged, even or perhaps especially by his champions, Dylan's status as an American cultural icon is a reflection of his brilliance at continuous self-fashioning, not his "authenticity."

### An Opportunistic Folkie

Some Dylan diehards scorned journalist Howard Sounes' *Down the Highway* for being a more gossipy tome than the mighty poet deserved. Gossipy it is; no other Dylan bio will tell you how he stole fellow Greenwich Village folkie Liam Clancy's lass while Clancy was playing at being a wandering troubadour in the early '60s. Still, Sounes has done the reporter's job well: He interviewed dozens of people (many missed by previous Dylan biographers) and dredged up many previously unknown tales. Very much *because* Sounes does not try to assess Dylan the artist (it isn't even clear if he finds Dylan's music all that interesting), this is the most satisfying Dylan biography yet, an entertaining set of anecdotes and memories of a fascinating,

if ultimately unknowable, man. *Down the Highway* is thankfully unmarred by shoddy and tortured theory or criticism. Sounes is a storyteller, not an archeologist of historical truth. Some of his fresh material (such as his discovery of a secret second Dylan marriage from 1986–92, to backup singer Carolyn Dennis) comes from examining marriage licenses, court records, and business documents. But most of it is gleaned from tales told by Dylan associates, unverifiable in the main, and to be taken more as legend than cold fact. The book is nonetheless delightful for all that.

In *Positively 4th Street*, David Hajdu (author of an award-winning biography of Billy Strayhorn, one of Duke Ellington's composing partners) spins a dense group biography of Dylan and a trio of his close pals during the early '60s: folk goddess Joan Baez, her recently deceased sister Mimi, and Mimi's husband Richard Fariña, a hipster-hustler best remembered for the popular countercultural student novel *Been Down So Long It Looks Like Up to Me* (1966). Hajdu nowhere bludgeons the reader with the meaning or larger importance of the story he tells. He trusts that the inherent color of his subjects and his own skill at presenting character through incident will captivate—and it mostly does. Hajdu clearly sees Richard Fariña as the linchpin. He has even complained (lamely) that he didn't want his book coming out amid the hype surrounding Dylan's 60th birthday; *his* is not just another Dylan book. (I suspect Hajdu wanted to write a straight Fariña bio, but that linking him to Dylan was the only way he could sell his proposal.)

While he resolutely shows-not-tells, Hajdu unconvincingly implies that Fariña's early blatherings about poetry-with-a-beat were key to Dylan's artistic renaissance circa 1964–66, when Dylan grew beyond folk and became a true cultural giant. Complaints from other early Dylan associates that Dylan ripped them off and sucked them dry have been proven absurd by time. While Dylan doubtlessly copped a song or two or some vocal mannerisms from, say, folkie Dave Van Ronk, Van Ronk has had decades to prove himself Dylan's equal and failed. But any fantasy of influence and promise can be projected on Fariña, since he died before his long-term creative powers could be fairly judged. In a bizarre, almost unbelievable, turn of events, Fariña was killed in a motorcycle accident in 1966, on the very day his novel was released. That event ends *Positively 4th Street*, and in his last sentence, Hajdu reveals that Fariña's next project was to be a memoir of his days with the Baez sisters and Dylan. It's as if Hajdu has creepily adopted Fariña's goals as his own.

Hajdu glorifies Fariña (who seems merely self-aggrandizing and opportunistic to those more immune to his charms),

**Far from merely an era of bland conformity, it seems one couldn't swing an Organization Man in the '50s without whacking some sort of far-out rebel.**

makes Joan Baez look about as ridiculous as possible, and shows Dylan escaping her folkie-leftist orbit to become an artist of greater power and breadth than that scene could accommodate. The key to Dylan's escape from Baez's world, as cruel as it was to his erstwhile lover and early career booster, was his inauthenticity: Dylan jumped situations and styles opportunistically or by chance.

Falling in love with Congress of Racial Equality volunteer Suze Rotolo led him to write his early social conscience/protest hits. He was dragged to Southern civil rights events by folk elder Theodore Bikel, not his strong desire for social justice. As Sounes relates it, Dylan himself told people that he wrote the anti-war anthem "Masters of War" merely because he thought it would sell.

What did authenticity mean to the folkies with whom Dylan passed his younger days? As Hajdu explains it, the


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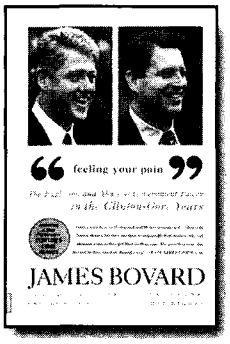


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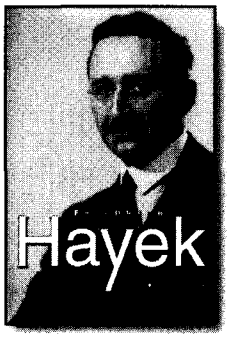


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folk aesthetic in the '50s was "styled as largely antithetical to the times...[It] posed challenges to Eisenhower-era conservatism...put a premium on naturalness and authenticity during a boom in man-made materials, especially plastic...celebrat[ed] the past rather than the 'new' and 'improved'...it was small in scale...when American society, with its new supermarkets, V-8 engines, and suburban sprawl, appeared to be physically ballooning. Folk music was down to earth when jet travel and space exploration were emerging."

Echoes of this complaint against the unprecedented wealth and opportunities of postwar America sound through the Beats (whose style Dylan pinched in some of his mid-'60s work); intellectuals such as Paul Goodman, whose classic *Growing Up Absurd* (1960) argued that the "system" in the '50s gave young men no meaningful, authentic choices for life, leading the intelligent and spirited to rebellion; and J.D. Salinger's massively popular *The Catcher in the Rye* (1951), whose protagonist Holden Caulfield, the patron saint of disaffected, whiny kids everywhere, tellingly directs his harshest contempt at "phonies." Far from merely an era of bland conformity, it seems one couldn't swing an Organization Man in the '50s without whacking some sort of far-out rebel.

Hajdu's explanation of the folk authenticity ethos is evocative, and certainly as good as or better than anything the folkies themselves could have come up with. Folk authenticity was an ill-defined quality you claimed to possess, one that dripped virtue and decency, and that your enemies lacked. Yet the insistence on it was a self-deluding exercise at best. The usually white, usually well-off college kids who championed folk were not the rural, mountain, poor, and often black folk who had actually developed and kept this music alive. By pretending that singing those songs meant absorbing the values that their original guardians exemplified, the folk revivalists were faking it, becoming something that they were not.

But their values still seemed to them "real" somehow. They resolutely sided with nature vs. artifice, cotton vs. rayon, wood vs. plastic. They were opposed to what they saw as the commercial and intellectual values of the dominant culture. While rock 'n' roll in the '50s may have scared many mainstream Americans, to folkies it was just one more plastic, inauthentic product of the Commercial Machine. The Pete Seegers and Joan Baezes of the folk world sought to replace such crass, moneymaking music with songs that reflected what they saw as the struggle and dignity of the common man.

It's easy to laugh at the folkies now, to find their music effete and dull and to find absurd their dream of building a proletarian social consciousness by playing precious British love ballads and songs about miners' travails. But within their own circumscribed world, who can fault them? They had a music and style they loved and wanted to preserve. As Joan Baez buddy (and son of *Masterpiece Theater*'s Alaistair Cooke) John Cooke told Hajdu, "One of the things that made [folk] music different and better than whatever everybody else was listening to was the fact that everybody else *wasn't* listening to it....It was anticommercial music."

Alas for snobs like Cooke, folk music became a full-on cultural explosion by 1963. Joan Baez became a major pop star; folk was the subject of a weekly ABC TV show *Hootenanny* and used as a general-purpose cultural signifier in everything from pinball machines to candy bars. Folk may never have lived up to its implied politico-cultural promise to re-authenticate a plastic American middle-class "death culture," but its insistence on authenticity remains a cornerstone of self-consciously cool subcultures, ranging from punk's disdain for "posers" to hip-hop's concern for "keepin' it real."

## Going Electric

By any definition, authenticity is something Bob Dylan lacked, even before he adopted his stage name in 1960. Born in 1941, he has warped and changed year by year, evincing no solid core other than an ability to write great songs. He was a small-town, middle-class kid from Hibbing, Minnesota, who loved Little Richard more than anything. He went off to a hip college scene at the University of Minnesota in Minneapolis and, as insecure new college kids are wont to do, shed his past. He fell in with a crowd of hard-left folkie types and became consumed by the Woody Guthrie myth—not through the man's actual music but through *Bound for Glory*, his autobiography about life on the road.

Though he fancied himself a vagabond, Dylan traveled the country only a little bit—one trip to Colorado and back to Minneapolis, with occasional visits to another left-leaning college town, Madison, Wisconsin. According to stories Sounes dug up, he burgled records from benefactors along the way and lied madly to create a phony legend about himself. He eventually tracked down his hero Guthrie

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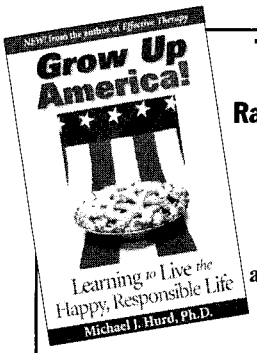


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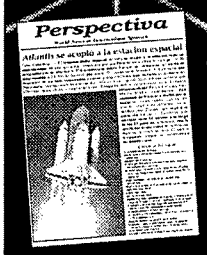


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in New York. Guthrie was dying, his voice uncharacteristically slurred by late-stage Huntington's Disease. Guthrie's wife complains that Dylan, thinking he was tapping into Guthrie's essential style, began emulating some of the verbal tics brought on by his illness.

Dylan was well-known for pinching techniques and songs wholesale from others during his early days. Indeed, his genius is intertwined with his ability to both pick up and shed new influences and styles over time. As one Hibbing friend told Sounes, Dylan "had it calculated all the way....Each step, how he was gonna do it, and how you get to be a star." Even while he was the young king of the Greenwich Village folk scene, Dylan violated "authentic" folk codes, first by writing his own songs in a folk or protest mode, and then by returning to his real, hidden roots—the rhythms and electricity of rock 'n' roll. Dylan's live debut with a full electric band happened at the Newport Folk Festival in 1965. A legend has bloomed around it: When he performed three songs with an electrified rock band, hidebound folkies booed en masse, shocked and appalled that Dylan dared to challenge folk's limits.

The reality is that he'd already released *Bringing It All Back Home*, which included a whole side of electric rock. At the time of the Newport show, his rock classic "Like A Rolling Stone" had been released as a single the week before and would in three weeks hit number 2 on the charts. It's unlikely most of the audience was shocked or angered by anything other than a bad sound system. Still, there's no question that folk reactionaries such as Pete Seeger and Alan Lomax were appalled by Dylan's performance. Seeger still maintains that if he'd had an ax that day, he'd have cut the electric cable to shut Dylan up.

Dylan has carefully played to the myth of the overwhelming boo, once noting in his best hipster-bitch mode that "I can't put anybody down for coming and booing. After all, they paid to get in....Lots of whole families had driven down from Vermont, lots of nurses and their patients, and, well, like they just came to hear some relaxing hoedowns, you know, maybe an Indian polka or two. And then just when everything's going all right, here I come on, and the whole place turns into a beer factory."

### Musical Chameleon

More than his folk comrades, Dylan recognized that authenticity—at least the folkies' restrictive version of it—is likely to lead to artistic stagnation and irrelevance. "He not busy being born is busy dying," Dylan sang. Yet even as he was leaving the folk world's values behind, Dylan couldn't even manage to be an authentic apostate. Through most of "It's Alright Ma (I'm Only Bleeding)," which appears on the acoustic side of *Bringing It All Back Home*, he seems to be channeling Paul Goodman. Dylan trowels on disturbing visions of the emptiness of modern life, spitting at standard authority figures and the lie of commerce, at "toy guns that spark/flesh-colored Christs that glow in the dark/It's easy to see without looking too far that not much is really sacred."

Like Goodman, Dylan tried to lay bare the supposed spiritual emptiness of consumerism and middle-class life. So even as he was selling out by going electric, Dylan failed at being authentically inauthentic. Or to put it differently: He was a contradictory human being, with no allegiance to entrapping cultural codes. He had everything he needed, he was an artist, and as he exited the folk world, he didn't look back.

For the most part he still hasn't. In every step of his career, Dylan's vitality as a singer and writer has come from creating new personae and new voices. A generic Dylan imitation is something every drunken wag at a party thinks he can nail. But listen in a row to vocal performances ranging from "Mr. Tambourine Man" (1965) to "Lay Lady Lay" (1969) to "Gotta Serve Somebody" (1979) to "Things Have Changed" (2000). You'll hear an immensely skilled vocalist who can sing with marvelous expressiveness in a wide variety of styles and tones. While rock performers such as David Bowie and Neil Young get more play out of being "musical chameleons," it is equally true of Dylan, who has invented fresh ways for a rock band to sound on almost every one of his albums since the mid-'60s. It's rare that a song from one would not sound out of place on another. On tour, he reinvents his own oldies every time he plays them, radically altering the tempo, tone, and arrangements.

Dylan's singularity as an artist comes

from his penchant for—perhaps even his commitment to—constant reinvention of the self. As one might challenge Holden Caulfield, what does it mean to be a phony if constant change is what the individual personality chooses? We are all nothing more than what we are—existence precedes essence, as Jean-Paul Sartre, another hip intellectual who loomed large in Dylan's early days, said. Thus, authenticity becomes a slippery idea indeed. Perhaps endless carping about who is more "real" could be settled in the manner of Bishop Berkeley, by the debaters bashing themselves against rocks.

What adds piquant pleasure to watching Dylan is that in most cases his shape-shifting seems calculated to annoy and enrage his current audience. And yet these turnarounds—from folk to rock in 1965, from rock to country in 1969, from secular sybarite to fundamentalist Christian in 1979—have almost always ended up working out well both for Dylan's art and his pocketbook. (The turn to born-again believer only worked at first. His *Slow Train Coming* LP, on which Dylan consigned non-believers to Hell in no uncertain terms, was a big seller and earned Dylan his first Grammy, for the single "Gotta Serve Somebody." However, once the novelty wore off, his relentless preaching murdered his commercial prospects for over a decade. As Sounes accurately notes, "Electricity had annoyed folk purists, but religion bothered everybody.")

Dylan's life has been a series of inauthentic moves. It was fake for young rocker Dylan to become a folkie, fake for folkie Dylan to become a rocker, fake for rocker Dylan to become a country squire, fake for protest Dylan to become a poet of amphetamine-driven Beat wordplay and internalized reflections on romance, fake for superstar Dylan to become a vagabond minstrel with his 1975–76 Rolling Thunder tour, fake for secular Jew Dylan to become a vengeance-spouting born-again Christian, fake for that born-again Christian to return to secular pop and tour with the Grateful Dead, fake for rock star Dylan to return to acoustic folk-blues roots in the early '90s, and fake for a washed-up zombie to release one of the most vital records of his career, *Time Out of Mind* (1997), after knock, knock, knockin' on heaven's door with a heart infection.

Because of this, attempts to lay bare the "real" Bob Dylan inevitably feel strangely insubstantial. You can't touch this Dylan guy. He's not there, he's gone, as Dylan once sang of himself. Then again, he's easy to find: This summer, for instance, he toured state fairs across much of the U.S., at last the ramblin', gamblin' man he pretended to be as a clean-cut kid hanging in Greenwich Village 40 years ago. Dylan knew all along, if often only instinctively, that nothing fresh, new, or startling comes from being "authentic." It comes from change, growth, evolution, electricity, and "selling out" to the wide world that exists beyond any blinkered, limited conception of proper culture.

*Brian Doherty (bdoherty@reason.com) is an associate editor of* REASON.

# Woodrow Wilson, R.I.P.

## The folly of humanitarian military intervention

By Ted Galen Carpenter

In recent years, the doctrine of humanitarian military intervention has become especially controversial. Under Bill Clinton, the United States participated in several missions of that type, most notably in the Balkans. Proponents insist that those ventures were legally and morally justified and that the outcomes were generally positive. Critics counter with equal vehemence that humanitarian interventions bear more than a passing resemblance to old-style imperialism, that they often make problems worse rather than better, and that they entangle the United States in murky disputes that have little or no connection to the nation's legitimate security interests.

*Wilson's Ghost*, by former Secretary of Defense Robert S. McNamara and Brown University political scientist James G. Blight, and *Waging Modern War*, by former NATO supreme commander Gen. Wesley K. Clark, present impassioned cases for an activist U.S. policy in the tradition of Woodrow Wilson. According to this view, the United States has a both moral and strategic interest in taking vigorous action, including the use of military force, to prevent egregious human-rights abuses and to prevent small conflicts from mushrooming into more serious wars. The result, the authors contend, would be a more stable and peaceful world.

*Wilson's Ghost* provides the more wide-ranging coverage, and makes the more nuanced, conditional case for intervention. McNamara and Blight concede that Wilson's emphasis on "national self-determination" helped unleash one of the more disruptive forces in international affairs during the 20th century. Nevertheless, they insist that Wilson's principal vision—of collective international action to repel aggression—was sound and could have spared humanity the century's subsequent mass slaughters. They believe that the failure to achieve Wilson's vision was an immense tragedy, but they contend that the United States and the rest of the international community have an opportunity to rectify that mistake and realize his dream in the 21st century.

**Wilson's Ghost: Reducing the Risk of Conflict, Killing, and Catastrophe in the 21st Century, by Robert S. McNamara and James G. Blight, New York: Public Affairs, 288 pages, $24**

**Waging Modern War: Bosnia, Kosovo, and the Future of Combat, by Gen. Wesley K. Clark, New York: Public Affairs, 512 pages, $30**

McNamara and Blight argue that the reduction of human carnage throughout the world should be a central objective of U.S. foreign policy. To advance that goal, they present a number of specific proposals, which they tout as new initiatives. In reality, most of the proposals are hoary liberal interventionist panaceas. For example, the authors argue that the United

States should undertake military actions only as part of multilateral coalitions—preferably those blessed by the United Nations. The UN itself should be restructured (that is, strengthened) so that it would be more effective in initiating and managing humanitarian interventions. More vigorous efforts should be made to define, deter, and punish war crimes—including a permanent international criminal court. All of these schemes have been around for decades. (McNamara and Blight even trot out the oldest of left-wing peace-movement panaceas: the abolition of nuclear weapons.)

Despite the stale quality of many of the arguments in *Wilson's Ghost*, the authors do make a few worthwhile observations. For example, they emphasize that a failure to integrate Russia and China into cooperative relations with the other major powers would greatly increase the danger of catastrophic war. And in marked contrast to most other members of the American foreign policy establishment, they acknowledge that U.S. policy is contributing to the alienation of those two countries. They note, for example, that Washington's push for the eastward expansion of NATO has led to a deterioration in U.S.-Russian relations. Most other writers on that topic seem blissfully oblivious to the connection between those two developments. McNamara and Blight justifiably find the state of America's overall relations with Russia and China worrisome. "Russia and China have entered the 21st century full of mistrust of the United States, suspicious that the United States seeks worldwide hegemony to which even the other Great Powers (as the Russians and Chinese regard themselves) are expected to knuckle under."

Yet even on that issue, McNamara and Blight minimize an important point. One of the developments that has most agitated Russia and China is the proliferation of U.S.-led humanitarian military interventions. Those are precisely the kind of missions that the authors would have Washington undertake to an even greater extent. And their emphasis on multilateralism, unless the UN is regarded as the sole legitimate mechanism, would not resolve that problem. Kosovo, after all, was a multilateral (NATO) intervention, and yet it was vehemently opposed by Russia and China.

The central defect in *Wilson's Ghost*, though, is the naivete of its major proposals. Among the most unrealistic of these is the author's support for the abolition of nuclear weapons. A world in which two countries (India and Pakistan) have recently joined the nuclear-weapons club is not going to renounce such weapons anytime soon. Indeed, the trend appears to be toward more proliferation, not less.

The authors' other proposals are scarcely more practical. Moreover, even if they were enacted, many of them would have pernicious effects. The emphasis on undertaking only multilateral interventions is especially wrongheaded. Under


# MORE GOVERNMENT LIES ABOUT SEX

**By Reed Irvine and Cliff Kincaid**

The U.S. Government has been promoting the spread of sexually transmitted diseases, STDs, through the so-called "safe sex" through condoms message. The government itself, in a report from the National Institutes of Health, the NIH, recently admitted that condoms do NOT protect against most STDs. The report, a review of 128 available studies, says condoms can reduce the spread of AIDS and gonorrhea, but it could not say that they reduce the spread of genital herpes, syphilis and the cancer-causing human papillomavirus virus (HPV). This report was big news. But most of the major media ignored it. Some who covered it suggested it was a conservative plot to stop people from having sex.

The media got another chance to tell the truth when former Congressman Tom Coburn, who requested that NIH study, held a Capitol Hill news conference to demand that Dr. Jeffrey Koplan, the director of the Centers for Disease Control, the CDC, resign because his agency has been disseminating false information about the effectiveness of condoms. Coburn, a doctor, was joined by Congressman Dave Weldon, another doctor, in calling for Koplan to go. A group called the Physicians Consortium, which represents 10,000 physicians, joined in the request for his resignation.

Dr. John Diggs, a spokesman for the Physicians Consortium, said, "This has all of the earmarks of a good old-fashioned medical cover-up." The group said the CDC's campaign of misinformation "has contributed to the STD epidemic in America and the suffering and even death of many of our patients." Another representative, Dr. Alieta Eck, said it's a sad day when the public cannot trust the government and its most reputable health agency to provide them with the facts to make the best decisions.

Washington Post reporter Ceci Connolly had said that government officials had not wanted to release the study about the ineffectiveness of condoms. They wanted to continue to deny information to the American people about how condoms could not protect people against diseases and even death. But these officials figured that the report would have to be released eventually through a Freedom of Information Act request.

The Physicians Consortium has been filing such requests under the law. Back in December of 2000, the group asked for documents from the FDA pertaining to the misleading labeling of condom packages. The FDA has not complied. In March, the group filed a request under the Freedom Of Information Act for documents relating to the NIH study on condoms. The NIH has not released anything in response to the request. There is a pattern here. The government has been disseminating and approving false information about condoms and doesn't want the public to understand how their lives have been put at risk. It is a typical cover-up. But it's also a violation of the law under which government documents are supposed to be provided to the American people.

The Washington Times ran a good story about the Coburn press conference, but the rest of the media were silent. It's up to President Bush to take action before more lives are lost. He can seek the resignation of Dr. Koplan.

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the McNamara-Blight approach, the United States would be precluded from taking unilateral action in a case where its legitimate security interests were at risk, while it would be drawn into innumerable disputes that had nothing to do with those interests merely to fulfill abstract obligations to the "international community."

The authors do acknowledge that not all conflicts are amenable to solution through outside intervention, and they warn of potential "moral blind alleys." Nevertheless, their logic would result in a hyperactivist policy with considerable U.S. risk exposure. The American republic was not created so that would-be architects of global peace could sacrifice the blood and treasure of the American people on crusades around the world. That fundamental moral point seems to elude McNamara and Blight.

The doctrine articulated in *Wilson's Ghost* inevitably leads to the conflicts illustrated in Gen. Wesley Clark's *Waging Modern War*. In this long, rambling, and tedious book, we get Clark's account of the NATO military interventions in Bosnia and Kosovo. As NATO's commander, Clark directed the 1999 air war against Yugoslavia that was intended to compel that country to relinquish control over its restive, predominantly Albanian province of Kosovo. Earlier, he had been the lead military negotiator for the Dayton Accords that ended the civil war in Bosnia.

The book is irritating on numerous levels. Clark has written it in a "chatty" style replete with lengthy purported quotes from conversations he held with a multitude of U.S. and European military leaders and politicians. Assuming the general was not tape-recording all of his conversations, the accuracy of such "quotes"—reconstructed months after the actual events—is obviously open to question. Since such passages are frequently used to show the wisdom of Wesley Clark and the intellectual limitations of those people (including some in the Pentagon) who had misgivings about the course charted by Clark and his boss in the White House, the validity of that literary device is especially suspect.

But Clark's handling of the substantive issues is worse. His version of the extraordinarily complex politics accompanying the breakup of Yugoslavia is so oversimplified as to verge on caricature. Clark sees Serb nationalism, and especially Yugoslav president Slobodan Milosevic, as the root of all the violence in the Balkans. One gets little or no sense of the often nefarious role played by nationalists in other ethnic groups. But Serb nationalism was merely one factor among many in the tragedy. The underlying problem is pervasive ethnic group-identity politics combined with a zero-sum-game mentality. The Serbs were hardly alone in pursuing the goal of establishing a larger, ethnically pure state.

Yet Clark has no doubt that the war was justified and that the outcome was, on the whole, beneficial. He shows little patience with those critics who point out that the Belgrade regime's large-scale expulsion of Albanian Kosovars did not commence until NATO launched its air war. Clark sneers at such reasoning, "as though NATO should have taken into account the potential Serb reaction to the air strikes, even if the Serb reaction was illegal and immoral." That, he contends, "was a little like blaming policemen carrying arms for the fact that criminals use guns." His rebuttal is pure sophistry. It is hardly unreasonable

**Gen. Wesley Clark's version of the extraordinarily complex politics accompanying the breakup of Yugoslavia is so oversimplified as to verge on caricature.**

All three factions in Bosnia—Muslims, Croats, and Serbs—practiced ethnic cleansing whenever they had the power to do so, and the Albanian nationalists in Kosovo have been busily expelling non-Albanians right under NATO's institutional nose.

Clark's exceedingly brief treatment of the latter episode illustrates the extent of his intellectual blinders. "The KLA [Kosovo Liberation Army] was formally disbanded, but the hard feelings from the war lingered on. Some of the Albanians retained their weapons and a thirst for revenge." Attributing the systematic ethnic cleansing of Kosovo's non-Albanian inhabitants (including Gypsies, Montenegrins, Bulgarians, and Jews, as well as Serbs) to "hard feelings" and a "thirst for revenge" is historical revisionism at its worst. It ignores a mountain of evidence that the KLA, from its inception in the mid-1990s, has had as its primary goal the creation of an ethnically pure Greater Albania. Thanks to NATO's military intervention, it is well on its way to achieving that objective. According to UN statistics, nearly a quarter of a million refugees—some two-thirds of Kosovo's prewar non-Albanian population—have fled the province, and most of the remainder are in a handful of heavily guarded enclaves.

to expect that, if NATO was intent on intervening in an already volatile civil war, the Alliance should have considered the possibility that its actions might make matters even worse.

The most troubling aspect of *Waging Modern War* is the author's smug advocacy of what he and other proponents of humanitarian military intervention term "coercive diplomacy." Clark praises the Kosovo operation as an example of that form of warfare. "What we fought in the Kosovo campaign was a limited war; limited means—limited objectives. It was coercive diplomacy, the use of armed forces to impose the political will of the NATO nations...." In the most fundamental sense, that trivializes warfare. The violence and destruction of war—especially the loss of life—is bad enough even when the cause is compelling and the use of force cannot be avoided. It is much worse when the cause is meager and other options are readily available. "Coercive diplomacy" is merely a euphemism for waging unjustified wars.

There is little doubt that Clark hopes that the United States and its NATO allies will engage in coercive diplomacy in the future. Indeed, his principal complaint is that the Alliance waited too long to act

in the cases of Bosnia and Kosovo. He asserts that "the key lesson must be that nations and alliances should move early to deal with crises while they are still ambiguous and can be dealt with more easily, for delay raises both the costs and the risks. Early action is the objective to which statesmen and military leaders should aspire."

On that point, Clark is clearly in agreement with McNamara and Blight. The underlying assumption of both *Wilson's Ghost* and *Waging Modern War* is that early intervention by the United States and other "peace loving" nations will stifle embryonic conflicts and thereby make the world a safer and more peaceful place. It is an appealing but ultimately faulty assumption. Bitter quarrels and armed conflicts have always been a regrettable part of the international landscape. In the post–Cold War decade alone, there have been literally dozens of bloody struggles in various parts of the world. The causes of those disputes are typically complex and intractable. If the United States insists on interfering in such conflicts, it will risk incurring perpetual war in the name of trying to secure perpetual peace.

**Bitter quarrels and armed conflicts have always been a regrettable part of the international landscape.**

America can and should avoid going down that path. America is likely to become involved in war only when the U.S. government chooses to become involved. But in a democratic republic, government has a fiduciary responsibility not to risk the lives of its citizens except for compelling reasons. And contrary to the authors of *Wilson's Ghost* and *Waging Modern War*, attempting to prevent parochial conflicts in remote regions of the world does not constitute a compelling reason.

Indeed, their blueprint for humanitarian intervention and coercive diplomacy reflects what the Nobel Laureate economist F.A. Hayek aptly described as a "fatal conceit." In economics, the fatal conceit takes the form of government economic planning—the belief that legions of bureaucrats can control a dynamic, ever-changing economy. In foreign policy, the fatal conceit is the belief that well-meaning governments can micromanage complex disputes and impose absolute order on a fractious international system.

The foreign policy version is worse than its economic counterpart. True, the latter leads to stagnant economies and material suffering. But the former produces new wars and exacerbates existing ones. If America is to enjoy an era of peace in the 21st century and not be dragged into an endless array of irrelevant conflicts, it is imperative that the fatal conceit embodied in *Wilson's Ghost* and *Waging Modern War* be emphatically rejected.

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# Chewing the Fat

## The misguided beef against fast food

By Gary Alan Fine

There is a tightly held, though empirically misguided, belief that no one ever went broke underestimating the taste of the American public. This claim can be applied equally to mass-market restaurateurs and high-end authors. The latter routinely hector readers about what we *should* eat, as if we were the most irresponsible, spoiled tots, and they the most sagacious parents. For a clear window into the mind of such a scold, skip Eric Schlosser's title for his subtitle. Schlosser, a correspondent for *The Atlantic*, has dubbed his bestselling account of the fast food industry, "The Dark Side of the All-American Meal." No delicacy here.

Schlosser is not pleased with inexpensive, franchised chain restaurants. In his introduction he asserts, in what must be one of the most charming acts of literary balance, "I do not mean to suggest that fast food is solely responsible for every social problem now haunting the United States." Well, it's good to get *that* out of the way! As with many entrepreneurs seeking their fortunes by identifying and solving oh-so-pressing social problems, Schlosser's professed concern is with "the nation's children" and the impact of this industry that "feeds off the young."

Like pornography, fast food gets no respect. Here is a successful, lively business with many critics and few public champions. To be sure, corporations puff up themselves in their advertisements, but they spout in a vacant echo chamber. Yet we must ask: If everyone hates fast food, how and why does the industry thrive?

**Fast Food Nation: The Dark Side of the All-American Meal, by Eric Schlosser, New York: Houghton Mifflin, 356 pages, $25**

Schlosser claims that fast food does so well because of government policies that support and subsidize the industry. At the same time, he argues, there's an absence of controls over fast food's supposed excesses, the result being much damage to our health, environment, work force, and economy. He alleges that changes in our economic structure have led to a concentration of unfettered power in the fast food world, despite the contempt of elite commentators. Schlosser doesn't attack fast food on its aesthetic dimension, on its tackiness and taste. Indeed, he avers that most of it tastes "pretty good," although he inserts the rather odd dig that "it has been carefully designed to taste good." Perhaps not so different from the

menus at Lutece or Chez Panisse.

For Schlosser, though, "the real price never appears on the menu." We need to "know what really lurks between those sesame-seed buns." We are warned that fast food has contributed to obesity, the malling of America, the destruction of small farms and rain forests, occupational hazards, the threat of tainted meat, and the destruction of workers' rights. Schlosser concludes that, "The profits of the fast food chains have been made possible by losses imposed on the rest of society." Happy Meals, it would seem, have a lot to answer for.

While I doubt much of Schlosser's political and economic assessment, he is a lively writer, and can make a story come alive with his ability to present heroes and villains. He knows how to write non-fiction, and effectively (if romantically) presents the lives of people affected by the fast food industry.

**"The profits of the fast food chains have been made possible by losses imposed on the rest of society," writes Schlosser. Happy Meals, it would seem, have a lot to answer for.**

There is the Horatio Alger-like sharecropper's son, Carl Karcher, the creator of Carl's Jr. restaurants, eventually fired and locked out by his corporate board. There is Dave Feamster, a struggling and solicitous owner of a Little Caesars pizza franchise. There is Hank, the frustrated cattle rancher, whose suicide, we are assured, was at least partially the result of economic changes wrought by the fast food industry. There is Elisa Zamot, the working-class Colorado teen, who rises before dawn only to be underpaid and mistreated by McDonald's. There is Kenny Dobbins, a loyal meat packer severely injured and abused by the packing industry. Schlosser sees the landscapes of culinary America (and now the world) littered by the battered and bruised bodies of workers exploited by those more powerful.

*Fast Food Nation* is rife with villains as well. Many are large, impersonal corporations, all too often hiding behind vaguely sinister acronyms (IBP, CKE, IFF). Others are the directors of these large, "faceless" organizations, always presented without the sympathetic understanding that Schlosser so effectively grants to their underlings.

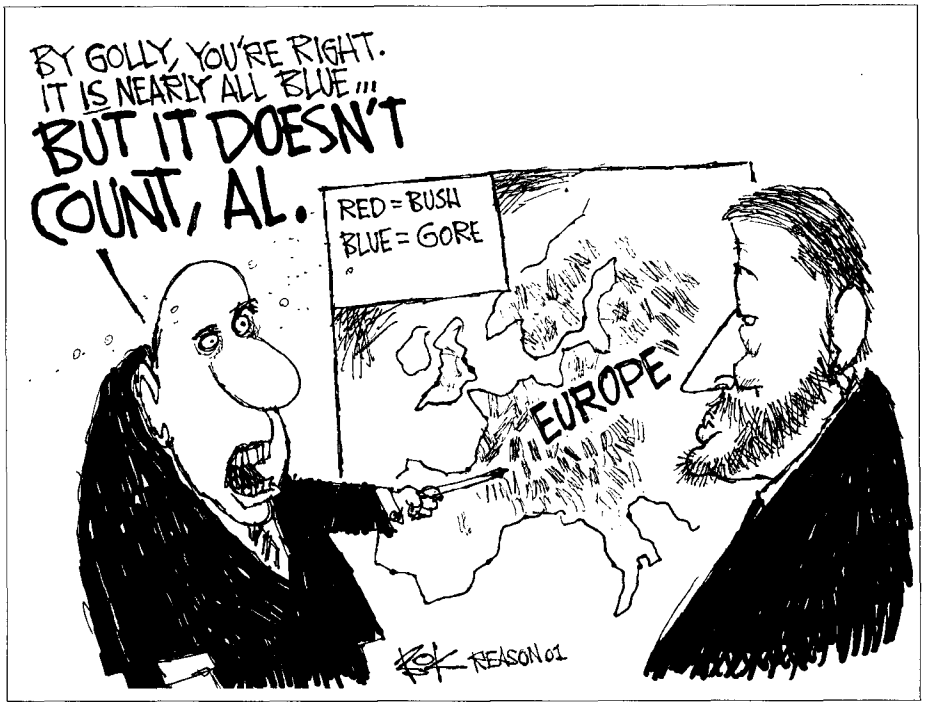
Academics sometimes refer to this style of writing as "sociology with adjectives," referring to the power of the pungent, descriptive phrase to set the terms of debate without having to adduce evidence. Consider, for instance, the difference between a "sizzling burger" and a "leaden burger." Such descriptions, sprinkled like salt throughout *Fast Food Nation*, affect the taste of the repast. Schlosser is an adjectival writer, a scribe who deftly deploys literary condiments.

But to dismiss Schlosser's rhetorical flourishes is not to dismiss his arguments. Every industry has its own peculiarities, many of them unpleasant. Recall the famous analogy between sausage-making and lawmaking that suggests watching either process is unappealing. The backstage of most production techniques have this underground quality, and meatpacking and food preparation certainly hold to this unappetizing tradition (as everyone has known from the 1906 muckraking of Upton Sinclair's *The Jungle* onward). Schlosser's descriptions are searing, no doubt. No picnics here; blood and guts are the decorative touches on the work floors. The mass processing of food is inevitably a case of what the sociologist Everett Hughes termed "dirty work"—necessary for a society's survival, but not nice. Hospital operating rooms, battlefields, and sanitation trucks also fall under this category. We turn our faces away, until others force our faces back.

Such dirty workplaces contribute jobs that keep people alive, both by giving them things they need or by providing them with work by which to feed themselves. To be sure, these are jobs that neither Schlosser nor most of his readers would dream of except in their worst nightmares. Yet low-skill natives and far-flung immigrants take these unappealing jobs because they conclude that their lives will be markedly improved by such work. Their choice is not to write for *The Atlantic* or for REASON. Schlosser accurately points to the dangers of mass meat processing, but danger is endemic to the human condition.

Unnecessary danger can be curtailed, but federal regulators, juries, and journalists may not be able to distinguish necessary from unnecessary. Schlosser has a sensitive nose, but would these workers

*go to 61*




CHIP BOK

# Complex Untruth

## The popular appeal of "just enough government"

By Jeremy Lott

In his June 1998 *Atlantic* cover story, "The Southern Captivity of the GOP," Christopher Caldwell artfully interpreted voters' responses to the 102nd Congress' tepid attempts to roll back some government programs and slow the growth of spending on others. Such small efforts, observed Caldwell, "mobilized much of the American public on behalf of a cause it didn't know it espoused: keeping government roughly the same size."

Over the years, what might be called the "just enough government" theme has had its share of champions, often from the conservative end of the political spectrum. Jack Kemp, for instance, once warned against "root canal economics," and George Will waged a war against "taxophobia." But the idea is usually received very badly. Hard-core right-wingers call it selling out and leftists denounce it as cowardly or reactionary. American politics has never developed a strong strain of Toryism: You either favor more government or less.

Someone ought to tell that to Robert J. Samuelson, the *Washington Post* and *Newsweek* columnist and author, most recently, of *Untruth: Why the Conventional Wisdom Is (Almost Always) Wrong* (Random House). In the introduction to this collection of essays, Samuelson simultaneously embraces "Big Government" as good for the nation and cautions that its expansion "poses many practical problems and invites abuse." Based in Washington, D.C., Samuelson's posture puts him at loggerheads with the capital city's two cultures—yet perhaps in closer agreement with the thinking of the American public than any other living public intellectual.

The close link owes, in part, to his identification with the preferences of the vulgar masses. He unapologetically praises McDonald's and vacations at Walt Disney World. He even begins one essay by giving out way too much personal information: "Johnny wears disposable diapers and that's not an environmental disaster." In keeping with his appraisal of the "steadfast and often silly American character," Samuelson is "stubborn and rigid" when it comes to his own tastes—he still uses a manual typewriter to produce his columns.

Like most of his fellow citizens, Samuelson espouses "what are sometimes derided as 'traditional family values'" and a vision of government that is more restrained and less grab-fisted than the Democratic Party would like. In a recent column for the *Post*, he argued that what critics of the Bush tax reduction "really resent is that they'd like to spend the money that [the president has] devoted to tax cuts." At the same time, he wants environmental regulations and finds himself attitudinally disinclined to support the GOP's social legislation because "their moralism—on abortion, school prayer and family affairs—says: Let us impose our values on you."

I SAID "SIT"!!!
BOTH SIDES HAVE AGREED TO A COMPROMISE; HIS DOG WILL REMAIN STANDING BUT AT SOME POINT MAY ROLL OVER....
THE W E HOUSE
MIKE LUCKOVICH ATLANTA CONSTITUTION

The resolution of these conflicting impulses is one of Samuelson's rare big ideas: Gridlock is good. Divided government, rather than leading to distrust and apathy, can avoid the excesses of an ideological monolith running the national government. Tax rates creep down; spending increases slightly; environmental regulations continue but are not allowed to fasten themselves to the choke points of the economy; welfare is reformed but not eliminated; moral reforms are encouraged but not imposed; and, quite possibly, we all get rich.

After analyzing the effects of gridlock on economic growth in the 1990s, economist Kevin Hassett nominated James Carville as the man of the decade for "inject[ing] into Washington politics a partisan ferocity and enmity" unrivaled by anything the city had ever seen. To explain why no new regulatory bodies sprung up to slow down the explosion of the technology sector, Hassett speculated that a self-restrained government would be nice but the "more practical way to accomplish the same thing...is to elect a national government that simply jams up and shuts down."

Samuelson's reaction to the atmosphere that culminated in the impeachment of President Clinton is instructive both because it hews closely to the in-

MIKE LUCKOVICH

stincts of the public and because it exposes the limits of the preference—it doesn't quite merit the epithet "philosophy"—for "just enough government." He laments Washington's "hateful political climate" and deplores the impeachment of the president as the end result of an "attack culture" and a "defective law." "Congress ought to rescue the Supreme Court from its confusion by legislating limits" on sexual harassment laws. But, he shrugs, good luck getting *that* to happen.

The few elite advocates of just enough government, and the mass of non-ideologues that they speak for, are effective and reliable when it comes to defeating

**Gridlock is good. Divided government, rather than leading to distrust and apathy, can avoid the excesses of an ideological monolith running the national government.**

obvious expansions of government power, whether the issue is unworkable ergonomic regulations or repressive campaign finance reform. But attempts to recover some of the ground already lost by repealing past dumb laws or programs, as the Republican Congress disastrously attempted to do in 1995, find them digging into the present position rather than advancing.

This halt, as Samuelson acknowledges, is not about a love of government so much as it is about self-interest and the status quo. The current social bargain may not be the best deal possible, but it's not intolerable either. And until that changes, the just enough government ethos is likely to remain widespread and popular, if rarely articulated as such. ◆

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prefer to find their jobs gone because of the fine sensitivities of canny writers? No one should argue against corporate ethics and morality—they are heavenly virtues. The controversy is over who will—who is capable of—adequately cleaning up the mess when that morality is not in evidence. Schlosser presents no evidence that government inspectors have been effective in such situations; the marked improvement in working conditions since the days of Upton Sinclair is due at least as much to technological advancements that increase efficiency. After all, routinely injuring or killing workers is no way to keep a mobile work force happy.

It's also no way to keep customers satisfied. Despite Schlosser's animus toward fast food, the evidence indicates that the fast food industry contributes to the improvement of sanitary and work conditions. The providers of consumer services to a large public are particularly susceptible to consumer pressure, and especially wary of poisoning their customers. When in 1993 Jack in the Box hamburgers caused *E. coli* illnesses and four deaths, the corporation took steps to protect their meat supply. Whether from moral concern or a desire to avoid bad publicity and lawsuits, one big, faceless corporation succeeded in changing the way that meat was processed, at least for its customers. Evil meatpackers were at the mercy of their supposed corporate comrades-in-arms, the fast food industry.

In a similar way, public pressure on fast food corporations to eliminate plastic packaging, the destruction of the rain forest, or the reduction of fatty oils has proven to be effective. A food industry without large, influential corporations that consumers can rally against would be far less amenable to change. It is precisely the public presence of ubiquitous fast food chains that permits social movements to challenge the industry effectively. A small change in market share may be the difference between profit and bankruptcy for those corporations.

All of the so-called problems of the fast food industry could be solved by similar public pressure, if those issues were truly important to the public. Public pressure could increase pay scales for young workers like Elisa Zamot, if the same public would be willing to patronize those corporations that provided workers with a "living wage." Students at Harvard, in their successful sit-in on behalf of their cleaning crews, showed the way. Harvard's tuition is inelastic—what is a few thousand dollars among friends compared to $11 an hour? Perhaps the same might be true at Taco Bell; perhaps not.

Like so many activists, Schlosser's arguments operate on several tracks. The public should rise up in righteous indignation against fast food—both through public pressure on the restaurant chains and through pressuring the government to enact ever more regulations to make the pain vanish. But whether government regulation will be as effective in changing corporate practices as that of consumer pressure is an issue that Schlosser doesn't consider.

One virtue of Schlosser's analysis is to remind us of the extent of governmental intervention in the market, and not only on the side of the workers. The fast food chains receive hundreds of millions of dollars in government subsidies for training workers through the Work Opportunity Tax Credit program. Schlosser points out that we are subsidizing the fast food industry for training workers, even if these workers quit or are fired after working for less than six months.

Even if we accept the questionable assertion that government should provide tax incentives for hiring untrained workers—most of whom would be hired in the natural course of doing business—are these the long-term jobs that taxpayers should support? Assuredly not. Similarly, state government use of subsidies to attract corporate headquarters may work in the short-term: The state of Nebraska used such techniques to lure Iowa Beef Packers to Dakota City, Nebraska, an effective strategy until South Dakota offered a still-better deal. These government baubles lead to a climate in which the next, more attractive subsidy will have a louder siren call.

When all the talk of the injustice and crimes has become half-forgotten echoes in most eaters' heads, there is still the food to deal with. What tobacco was to the 1990s, fat may become to the current decade. Increasingly we hear cries for a "fat tax." Fast food can be blamed, claims

one waggish commentator, for the creation of "Gen-XL." Fast food, of course, includes a wide range of foods, including salads, but the mainstays—hamburgers, fried chicken, and tacos—have been criticized for high fat and sodium content. Schlosser claims that the "annual cost of obesity is now twice as large as the fast food industry's total revenues"—a factoid justified by one journalist quoting another. Supposedly 44 million Americans are obese, and another 6 million are superobese.

Given the (ever-growing) government involvement in health care, the medical costs of fat have become a public policy issue of grave import. We are told that the government must curtail our freedom to choose our own food in order to cut its costs—costs that it assumed through the expansion of government into health care in the first place. Each government intervention legitimates further intervention, until the entire camel, not just its nose, is under the tent.

I do not claim that fast food is a culinary masterpiece, but the proof of the pudding is in the eating. *De gustibus non disputandum.* As a former restaurant reviewer, I do not patronize fast food establishments often, but as Schlosser admits, the food is created to taste good—and taste good it often does. Fast food is, certainly, a choice, and one's food choices ought to be personal matters. There seems to be no market as open and as accessible with as many options as the restaurant industry, with thousands of choices in any mid-sized city.

The explosive growth of fast food restaurants over the course of the past several decades should tell us something: Fast food does not always satisfy one's highest aspirations—much less the refined sensibilities of journalists. But it certainly fills one's tummy passably well.

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# Sex, Drugs, Jews, and Rock 'n' Roll

## A shameless history of the '60s student revolt

By Alan Charles Kors

The congeries of the 1960s is our national Rorschach test. In our competing political, cultural, historical, and personal narratives, that decade—roughly defined as lasting from 1964 to 1974—evokes profound, and mutually exclusive, meanings. Writing about the '60s has been and remains a cathartic cottage industry, because there still are scores to settle, with others and even with oneself.

Books about these years are most often tendentious, partisan, ardent, and obsessive; they tend to be either adoring and indulgent or reproachful and unforgiving. In the case of memoirs, political polemics, and, from any political camp, exposés, these qualities are part of the rawness, interest, and attraction of primary sources. In the case of purported histories, these qualities are an injury to intellect and understanding.

In *Put Your Bodies Upon the Wheels,* Kenneth J. Heineman has penned a screed of dithyrambic anger. He presents it, however, as an "evenhanded but clear-eyed" historical narrative and analysis. Heineman is a professor of history at Ohio University, and he writes professionally on the American 20th century. He thus engages an obligation to evidence, logic, fairness, and accuracy, especially when issues arouse deep passions. Much of Heineman's prior work indicates that he knows this full well.

**Put Your Bodies Upon the Wheels: Student Revolt in the 1960s, by Kenneth J. Heineman, Chicago: Ivan R. Dee, 251 pages, $26**

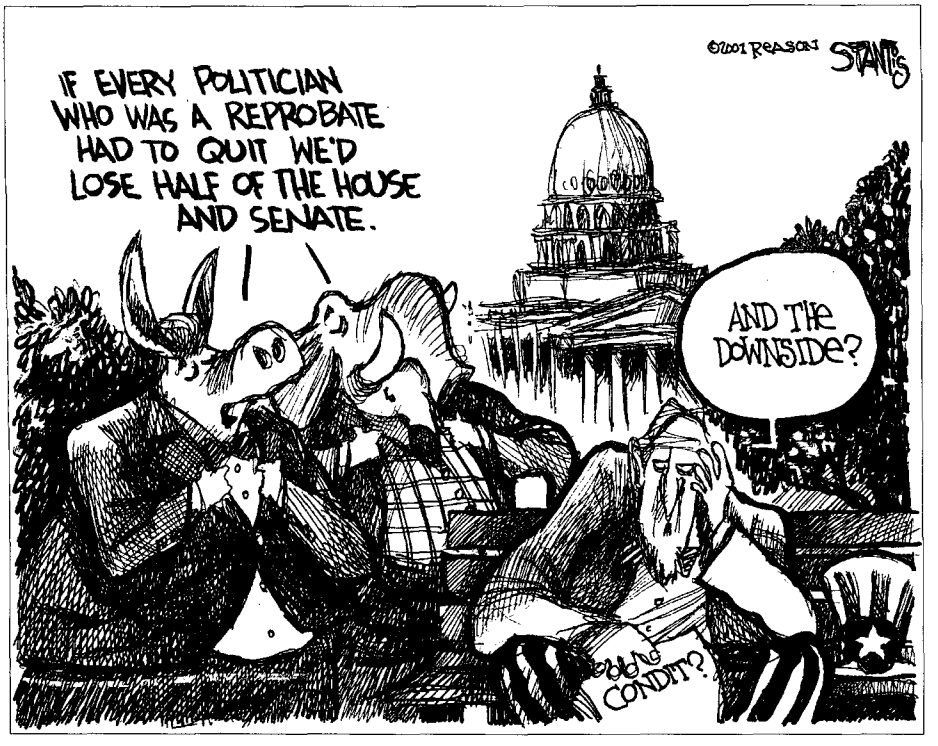
*Put Your Bodies Upon the Wheels* has several undeveloped theses. Among them is Heineman's assertion that the student movement of the 1960s was a revolt of Jews, wealthy WASPs whom they recruited, professors, and leftist intellectuals against the white working class, which they deemed to be hopelessly racist, and the Cold War Democratic Party. It was, argues Heineman, a revolt of children against their parents. It was also a chance to do lots of drugs and make lots of love. When the country showed at Kent State that it was willing to shoot protesters, however, and, more important, when the draft ended, the student revolt mostly died out, and screwing while high became much more attractive than social activism.

Nonetheless, the student revolt's politics and culture still exert a profound influence upon our lives, an emotional and normative tie that will remain with baby boomers until they die. These are, of course, commonplace themes in books that romanticize or excoriate the period, but one must argue them, unlike Heineman, with appropriate evidence and rigor.

When an historian makes claims, we rightfully ask, "How do you know that?" Yet *Put Your Bodies Upon the Wheels* has no notes or specific citations. Rather, Heineman offers at its end a bibliographic jumble of some 120 memoirs, pseudo-histories, histories, and polemics. Reading all of these, however, would not document his allegations, but, at best, merely identify the sources, mostly partisan, from which he apparently has taken them.

In the case of statistical claims, the absence of studies whose validity may be examined is simply absurd. Heineman tells us that "70 percent of faculty embraced the anti-war movement," "95 percent of the youths who joined the anti-war movement and identified with [Students for a Democratic Society] came from Democrat and Old Left households," and "55 percent of the youths who joined SDS came from upper-middle-class households."

No source is offered, and the categories seem as imprecise as the numbers. We learn that by the early 1970s, 3 million men and women "had adopted the hippie lifestyle," whatever that is (and whoever took the count). One wonders who did the door-to-door survey and the analysis of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IF EVERY POLITICIAN WHO WAS A REPROBATE HAD TO QUIT WE'D LOSE HALF OF THE HOUSE AND SENATE.
AND THE DOWNSIDE?
GOOD CONDIT?

SCOTT STANIS

family income and ethnicity that lets us know that "All but a handful of the 75,000 youths who made Haight-Ashbury their home in 1968 came from prosperous Jewish and WASP families." Perhaps it was the same rigorous demographer who also taught us, in Heineman's account, that "many [Peace Corps volunteers] lived in African and Asian neighborhoods that reminded them of Scarsdale."

In the case of attributing specific actions, motivations, and words to real individuals—the heart of Heineman's work—the absence of sources whose credibility one might evaluate is scandalous. His anecdotes and attributions may be true or false, but how are we to decide? Among Heineman's unattributed gems: Student radical Tom Hayden sought out Black Panther leader David Hilliard "about shooting down a police helicopter." *Growing Up Absurd* author Paul Goodman "enjoyed having sex with young boys." SDS leader Bill Ayers "bragged that in just three months in 1969 he had sex with one hundred women...in the back of his Chevy van." On whom, precisely, does Heineman rely?

Heineman's portraits become caricatures and cartoons of the pharmaceutical and sexual life of the New Left, the counterculture, and the civil rights movement: The Free Speech Movement was the occasion "for the consumption of narcotics and for vigorous sexual experimentation." At the celebrated December 1964 Berkeley sit-in, some "dropped acid and smoked hashish" while the "female students roamed the corridors looking for birth-control pills so they could stay overnight." At Woodstock, "Boomers tripped on acid and rolled naked in the mud." During the Mississippi Freedom Summer, "The men tended to wear their hair long, both males and females smoked marijuana, and the women engaged in sexual intercourse with black men."

Nothing must complicate the picture that only draft avoidance, lust, drugs, and spoiled, elitist Jewish ingratitude ultimately led America to its "student revolt." McCarthyism? It was "the exception," and "no more than 300 faculty, out of nearly 200,000, had been denied tenure on political grounds." (Heineman rightly loathes contemporary political correctness. But would he be indifferent now to a mere 300 faculty denied tenure for political reasons, or would he recognize the exponential chilling effect of each and every instance?)

Further, such faculty members were "usually booted off campus for turning their classrooms into political rallies and for refusing to cooperate with legislative and law enforcement agencies investigating Communist infiltration of higher education and the federal government." "Legislative agency," of course, was exercised indecently and wildly by the House Un-American Activities Committee, by Joe McCarthy, and by their illiberal equivalents in the individual states.

The civil rights movement? In Heineman's account, by the time that elitist Jewish students in the early '60s sought sexual highs from blacks, the South already was prepared, if grudgingly, to start giving the latter equal rights. Bayard Rustin, Martin Luther King Jr., and the Student Nonviolent Coordinating Committee, however, tactically chose anomalous cities and states where calls for equality and the vote would provoke violence. Instead of working where Southerners were reconsidering both segregation and disenfranchisement, "Northern white radicals" went to places such as Mississippi, which was "an *atypical* Southern state" (emphasis in original). Why? For Heineman, "They were not about to have their preconceptions challenged by going elsewhere."

There are occasional moments when Heineman's work is clear, nuanced, and insightful, but they are surrounded by an impenetrable fog of tendentious innuendo, ad hominem argument, and guilt by association. For Heineman, as for the New Left he portrays, the personal and the political are inseparable, and scruples about evidence or non sequitur only get in the way.

At the University of Wisconsin, leftist historian Harvey Goldberg turned his courses into "revolutionary forums": "Students were required to read Frantz Fanon's *Wretched of the Earth*." Critic Dwight Macdonald, though a radical, was a "revolutionary with an annual income equal to $100,000 in 2000." Of the 38 anti-war activists arrested for disrupting the Selective Service Administration in Ann Arbor, Michigan, one "had been raised by a nanny" and one was "the son of a millionaire business executive." Jerry Rubin "could draw on a trust fund and did not have to work for a living." (When those with whom we agree devote themselves to "activism" in such circumstances, we call it civic-mindedness.) Leftist anti-war professors "experimented with drugs, communal living, and group sex," as in the case

of literary critic "Leslie Fiedler...who was destined to be arrested for marijuana possession." This is not "evenhanded"; it is a conservative mirror of the worst New Left rhetoric.

Heineman argues that student protest "began as a rejection of parental authority." His need for personal villains, however, works categorically against his own thesis, yielding a genealogy of student revolt in which Jews and Reds, so often the same, far from rejecting "parental authority," are the very paragons of filial piety. We learn, across vast pages, that Ronald Radosh, Kathy Boudin, Michael and Robert Meeropol, Frank Emspak, Gene Dennis, Robert Starobin, Malvina Reynolds, and Howie Emmer—important players in the New Left or anti-war movements—all grew up as "little reds," and all had fathers who were "major Communist figures," "Communist agents," or "Communist organizers." Even singer Country Joe McDonald sounded "much like his Communist parents."

If Communists per se were not in the gene pool, then any old leftist would do. Anthony Walsh of the Kent State Congress of Racial Equality chapter and the left-wing historian Gabriel Kolko each was raised by "a radical CIO organizer." Stewart Ewen, of the Mississippi Freedom Summer, had parents who were "1930s-era radicals." Activist historian Staughton Lynd's "parents had been leftist sociologists in the 1930s and [Henry] Wallace supporters in 1948." The phenomenon of family influence might "explain" the free-market enthusiasm of Steve Forbes, of course, but such explanations ad infinitum of the New Left scarcely support Heineman's model of a revolt against parental authority.

There are serious questions raised here, but this is not a serious book. The role of Jews in the American and European Left is a profound phenomenon, but it requires documentation and analysis of complex multivariables, not prurient interest. Self-designated leaders are one thing, and mass movements another, so the issue of the nexus between "coordinating committees" and the very diversely composed, motivated, and committed students who occasionally followed them (or occasionally did as expected) needs authentic study. The class component of the New Left, belying both current categories of "diversity" and the neo-Marxist politics and theory that informed "revolt," cries out for sustained inquiry.

The Vietnam War and the draft loom very large in Heineman's narrative, but the "student revolt" of the 1960s was an international phenomenon, flourishing in England, Germany, France, Holland, Denmark, and Italy. To say the least, that fact suggests fundamental problems for explanations that depend on American variables alone.

**Scholars critical of the self-indulgence, political fantasies, violence, and conformity of the 1960s must move beyond polemic to careful research and analysis.**

It cannot be said enough: Scholars critical of the self-indulgence, political fantasies, violence, and conformity of the 1960s must move beyond polemic to careful research and analysis if they ever wish to understand the object of their criticism. Let the worst of the academic Left say, when it comes to scholarship, that the enemy of my enemies is my friend. For the rest of us, scholarly bias is always the enemy, and critical thought, open and cautious with evidence, is always our friend.

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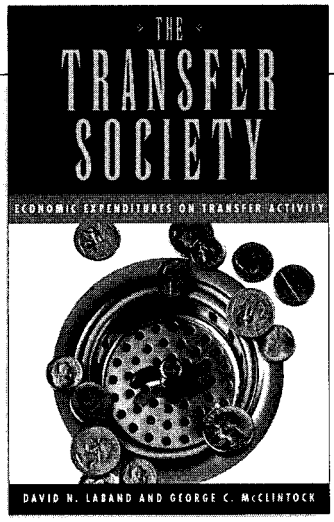


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# Should coerced treatment replace prison for first time, non-violent drug offenders?

Yes for situations where drug use is out of control. But most people who use drugs do so socially and in moderation. This applies the same to marijuana, cocaine and heroin as it does to alcohol.

The federal government estimates:

- **87 million Americans have used illegal drugs [1]**
- **27 million used them last year [1]**
- **3.6 million are dependent on an illegal drug [2]**

Forcing a moderate drug user into treatment is like putting someone who drinks a bottle of beer or a glass of wine a day into Alcoholics Anonymous!

**Providing treatment where needed is vital. But so is reform of harsh laws; federal funding of syringe exchanges; expanded methadone availability; marijuana as a medicine; and recognition of the racial, ethnic, class, and generational prejudices at the roots of our current drug laws.**

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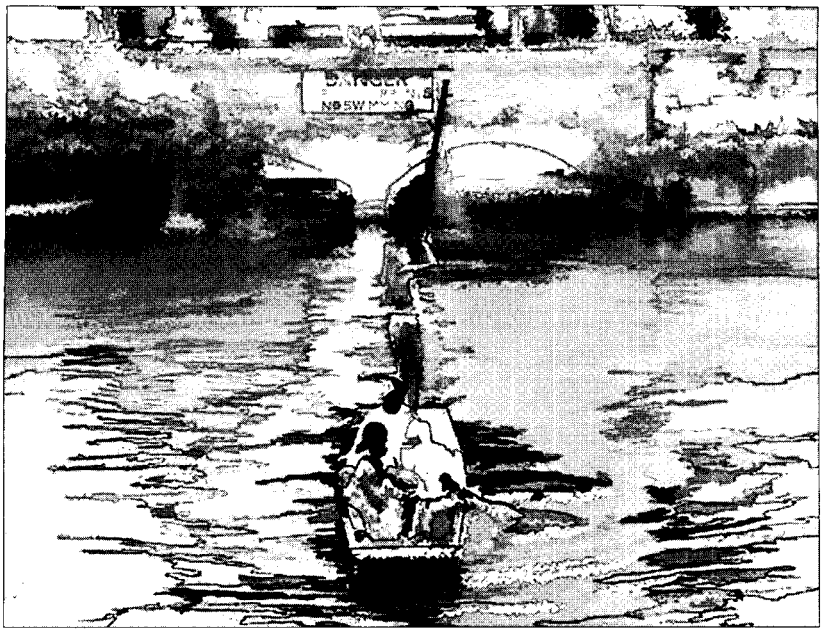
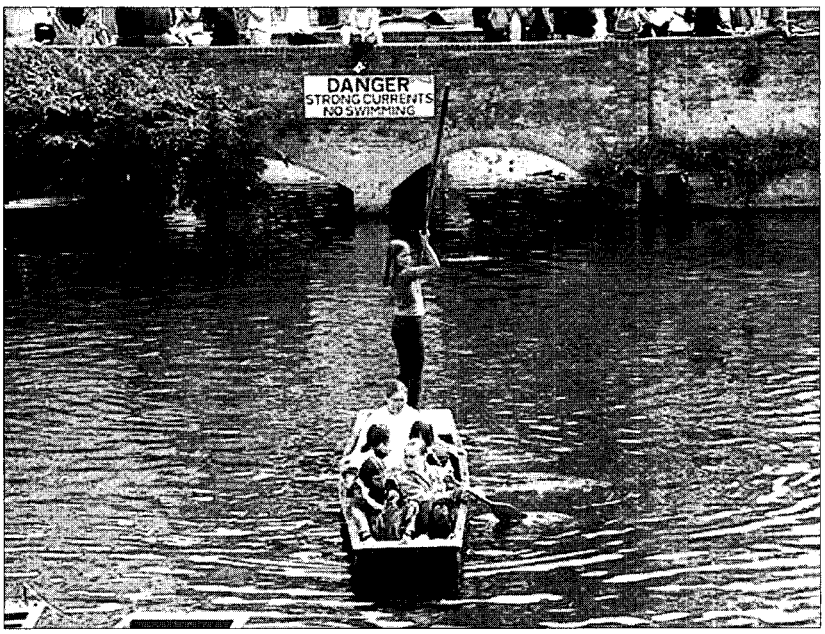
***Sources:***

1: "Summary of Findings from the 1999 National Household Survey on Drug Abuse," Office of Applied Studies, Substance Abuse and Mental Health Services Administration, US Dept. of Health and Human Services (Washington, DC: SAMHSA, August 2000), p. G5, Table G5. (Lifetime use, any illicit drug: 87,734,000; Use in past year, any illicit drug, 26,220,000.)

2: "Summary of Findings from the 1999 National Household Survey on Drug Abuse," Office of Applied Studies, Substance Abuse and Mental Health Services Administration, US Dept. of Health and Human Services (Washington, DC: SAMHSA, August 2000), p. 36. ("In 1999, an estimated 3.6 million Americans [1.6 percent of the total population age 12 and older] were dependent on illicit drugs.")

# Holding Water






Photorealism is a style of painting that makes an artwork look like a photograph. At left is its newly developed opposite, a photograph that has been turned into a watercolor image. The computer program that makes this possible, buZZ, is available through Segmentis (www.segmentis.com/buzzcreations/index.htm). "Art is not about detail," the company asserts, "it is about the judicious use of lines and colours."

Is it? Among those who might disagree are generations of artists for whom draftsmanship and detail were measures of competence, oil painters who had only contempt for water colorists, and photographers who struggled to have their own artistry recognized.

Today's issues are different, involving, among other things, the relationship between style and software. Even the future of artistic "genius" is unclear in a world where technology offers creators an infinite number of chances. Why? Technology gives creators new tools even as it reconfigures the eye of their beholders. We read images and their details differently. Which of these two images is "art" now? Which, if either, will look like "art" tomorrow?

**—Charles Paul Freund**

# A Leaky Umbrella for Nuclear Stability

**ruce Bueno de Mesquita is a senior fellow at the Hoover Institution.**

The Senate seems inclined to delay development of an antimissile shield before it is completely effective. They should reconsider because an imperfect shield is the optimal deterrent. **The United States should build a leaky umbrella and make it available to everyone.**

Defense against incoming missiles should meet three criteria. Adversaries must be deterred from attacking America. All states must be deterred from launching a nuclear attack anywhere. The world must be protected against accidental launch of an armed missile.

Mutually assured destruction (MAD) deters by ensuring that adversaries face a retaliatory strike severe enough to obliterate them. How large can an initial strike be while rendering the threat of nuclear retaliation incredible? MAD is incapable of a self-enforcing nuanced response. A leaky defense provides a superior deterrent.

A completely effective missile shield disarms an adversary and guarantees that the United States does not face destruction. Such disarmament is not essential for deterrence. Adversaries must only believe that their costs in attacking the United States exceed expected gains. This is achieved by ensuring a second-strike capability sufficient to impose such costs. This retaliatory capability is guaranteed provided the shield leaks enough that missiles get through to impose unacceptable costs, which fall below complete nuclear destruction, making an all-or-nothing capability unnecessary. As nuclear weapons spread to the Third World we should note that the economic productivity and political viability of poor states could be crippled even if very few missiles reach their targets. Missile defense should guarantee such penetration, neither more nor less.

The principle of leakage to deter nuclear aggression does not apply only to rivalries. Its leakiness protects against aggression by ensuring that costs to aggressors exceed benefits. The more countries with the umbrella, the less likely anyone is to launch a nuclear missile attack.

Many wonder why it makes sense to depart from the existing policy of MAD. Besides poor retaliatory credibility, MAD offers no defense against an accidental launch. A leaky umbrella will almost certainly snare a small accidental launch.

No country should be able to strike with impunity. Defensive technology can be used to protect against the danger of an overly aggressive future leader. A leaky shield allows a small percentage of incoming missiles to hit their targets, while destroying most missiles. This establishes a credible threat of a retaliatory strike whose success is commensurate with the size of the defender. If the number of missiles getting through the shield is proportionate to the number launched, the destructive potential of the foe rises with its size. Costs and benefits are kept in balance so neither side will risk the expected punishment.

**Leaks in the defense are essential to provide the stability all seek against nuclear war.** Therefore, the technology should be shared and the United States should guarantee that a shield will never approach 100 percent effectiveness. Just how much leakage is optimal is a difficult question to which our best minds should turn as we negotiate the shift from MAD to a truly new world order.

*— Bruce Bueno de Mesquita*

Paid for by the Hoover Institution, Stanford University.

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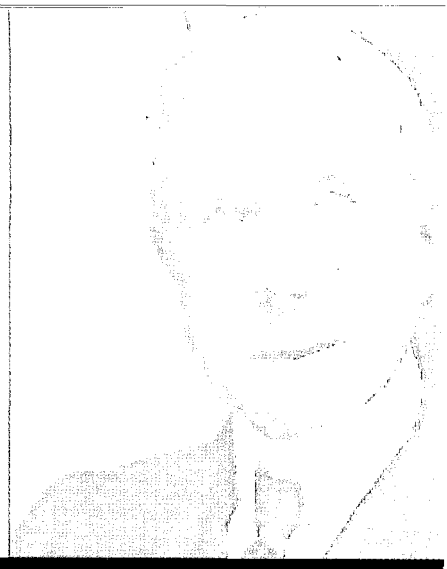

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